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Council Journal

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COUNCIL JOURNAL

OF THE

TENTH SESSION

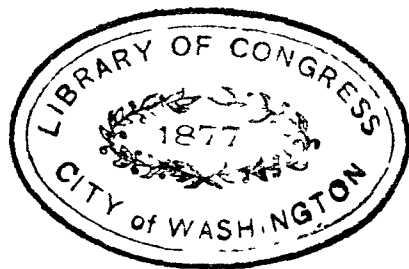
OF THE

LEGISLATIVE ASSEMBLY,

OF THE

✓
TERRITORY OF DAKOTA.

25. 8
Dakota Terr.



PUBLISHED BY AUTHORITY.

YANKTON, DAKOTA TERRITORY.
STONE & KINGSBURY, PUBLIC PRINTERS.
1872-73.

COUNCIL JOURNAL.

1872-73.

FIRST DAY.

TERRITORY OF DAKOTA, COUNCIL CHAMBER. }
YANKTON, Monday, December 2, 1872. }

On the 2nd day of December, A. D. 1872, it being the day provided by law for the convening of the Legislative Assembly of the Territory of Dakota,

The Members of the Council of said Assembly met in the Council Chamber at Yankton, the Capital, at 12 o'clock M. and proceeded to an organization in the following order, to-wit:

The Council was called to order by Geo. T. Rea, former Secretary, who called the roll of Members.

The following named gentlemen responded to their names:

First Legislative District.—Alex. Hughes, O. F. Stevens and Henry Smith.

Second District.—E. B. Crew, Nelson Miner and Joseph Mason.

Third District.—C. H. McIntyre, John Lawrence and D. T. Bramble.

Fourth District.—H. P. Cooley.

Fifth District.—W. T. McKay.

Sixth District.—G. W. Harlan.

Seventh District.—Enos Stutsman.

The prescribed oath of office was then administered to the above named Members by Chief Justice G. W. French, whereupon,

On motion of Mr. Lawrence,
Mr. Crew was elected temporary President.

On motion of Mr. Stutsman,
Mr. Geo. I. Foster was elected temporary Secretary.

On motion of Mr. Lawrence,
The Council then proceeded to the election of permanent officers.

On motion of Mr. Lawrence,
Mr. Hughes was placed in nomination for President.

On motion of Mr. Bramble,
Mr. Miner was placed in nomination for President.

There being no further nominations,
And a vote being ordered, it resulted as follows:

Those voting for Mr. Hughes, were
Messrs. Crew, Harlan, Hughes, Lawrence, McKay, Mason,
McIntyre and Stutsman.

Those voting for Mr. Miner, were
Messrs. Bramble, Cooley, Smith and Stevens.
Mr. Miner voted for Mr. Mason.

It appearing that Mr. Hughes had received a majority of all the votes cast, he was declared duly elected President of the Council.

On motion of Mr. Stutsman,
A committee of two was appointed by the Chair, to wait upon the President elect to the chair.

Messrs. McIntyre and Stevens were appointed as such committee.

The committee having discharged their duty,
The President took the Chair.

Chief Justice G. W. French then administered the oath of office to the President.

The election of a Secretary being then in order,

On motion of Mr. McIntyre,
Mr. Geo. I. Foster was placed in nomination.

On motion of Mr. Bramble,
Mr. T. F. Singiser was placed in nomination.

There being no further nominations,
And a vote being ordered, it resulted as follows:
Those voting for Mr. Foster, were
Messrs. Crew, Harlan, Lawrence, McKay, Mason, McIntyre,
Stutsman and Mr. President.

Those voting for Mr. Singiser, were
Messrs. Bramble, Cooley, Miner, Smith and Stevens.
It appearing that Mr. Foster had received a majority of all
the votes cast, he was declared duly elected Secretary of the
Council.

The election of an Assistant Secretary being then in order,
On motion of Mr. Harlan,
Mr. Wm. Ball was placed in nomination.
There being no further nominations made for Assistant
Secretary,
The vote was taken *viva voce*, and
Mr. Ball was declared duly elected Assistant Secretary of
the Council.

The election of an Enrolling Clerk being then in order,
On motion of Mr. Stevens,
Mr. J. P. Walters was placed in nomination,
On motion of Mr. Mason,
Mr. Randolph Mostow was placed in nomination.
There being no further nominations,
And the vote being ordered, it resulted as follows:
Those voting for Mr. Walters, were
Messrs. Bramble, Cooley, Smith and Stevens.
Those voting for Mr. Mostow, were
Messrs. Crew, Harlan, Lawrence, McKay, Mason, McIntyre,
Miner, Stutsman and Mr. President.
It appearing that Mr. Mostow had received a majority of
all the votes cast, he was declared duly elected Enrolling
Clerk of the Council.

The election of Sergeant-at-Arms being then in order,
On motion of Mr. Lawrence,
Mr. Thomas Reed was placed in nomination.
On motion of Mr. Bramble,
Mr. Barney Cole was placed in nomination.
There being no further nominations,
And the vote being ordered, it resulted as follows:

Those voting for Mr. Reed, were
Messrs. Crew, Lawrence, McIntyre, Mason, McKay, Miner,
Stutsman and Mr. President.

Those voting for Mr. Cole, were
Messrs. Bramble, Cooley, Smith and Stevens.

It appearing that Mr. Reed had received a majority of all
the votes cast, he was declared duly elected Sergeant-at-Arms
of the Council.

The election of Messenger being then in order,
On motion of Mr. Crew,
Mr. Knud Simonson was placed in nomination.

On motion of Mr. Stevens,
Mr. C. J. Brouillette was placed in nomination.

On motion of Mr. Miner,
Mr. L. Anderson was placed in nomination.

There being no further nominations,
And the vote being ordered, it resulted as follows:

Those voting for Mr. Simonson, were
Messrs. Crew, Harlan, Lawrence, McKay, Mason, McIntyre,
Stutsman and Mr. President.

Those voting for Mr. Brouillette, were
Messrs. Bramble, Cooley, Smith and Stevens.
Mr. Miner voted for Mr. Anderson.

It appearing that Mr. Simonson had received a majority of
all the votes cast, he was declared duly elected Messenger of
the Council.

The election of Fireman being then in order,
On motion of Mr. Lawrence,
Mr. C. Bensen was placed in nomination.

On motion of Mr. Miner,
Mr. L. Anderson was placed in nomination.

There being no further nominations,
And the vote being ordered, it resulted as follows:

Those voting for Mr. Benson, were
Messrs. Crew, Harlan, Lawrence, Mason, McIntyre, McKay,
Smith, Stutsman and Mr. President.

Those voting for Mr. Anderson, were
Messrs. Bramble, Cooley, Miner and Stevens.

It appearing that Mr. Benson had received a majority of
all the votes cast, he was declared duly elected Fireman of
the Council.

The election of Chaplain being then in order.

On motion of Mr. Lawrence,

The Rev. J. T. Walker was placed in nomination.

On motion of Mr. Stevens,

Rev. W. McK. Cain was placed in nomination.

On motion of Mr. Miner,

The Rev. Mr. D. P. Brown was placed in nomination.

There being no further nominations made,

And the vote being ordered, it resulted as follows:

Those voting for Mr. Walker, were

Messrs. Bramble, Crew, Harlan, Lawrence, McKay, McIntyre, Stutsman and Mr. President.

Those voting for Mr. Cain, were

Messrs. Cooley, Smith and Stevens.

Those voting for Mr. Brown, were

Messrs. Mason and Miner.

It appearing that Mr. Walker had received a majority of all the votes cast, he was declared duly elected Chaplain of the Council.

The officers elect, present, then came forward and the oath of their respective offices was administered by Chief Justice G. W. French.

RESOLUTION.

Mr. Stutsman submitted the following resolution which was read, considered and agreed to:

Resolved, That a committee of three be appointed by the Chair, to draft rules for the government of the Council, and to act with a like committee on the part of the House as a joint committee to draft rules for the government of the two Houses, and that until such time as new rules shall be adopted, the Rules of the last Session of the Council, shall govern this Council, and the Joint Rules of the last Session of the Legislature, shall be temporarily adopted.

The Chair appointed as such committee,

Messrs. Stutsman, Lawrence and Stevens.

Ordered, That the Secretary acquaint the House therewith.

Mr. Crew submitted the following resolution which was read, considered and agreed to:

Resolved, That a committee of three be appointed by the Chair to inform the House that the Council is permanently organized.

The Chair appointed as such committee,
Messrs. Crew, Bramble and McIntyre.

Whereupon, the committee retired and after a brief absence returned and reported as follows:

MR. PRESIDENT.—Your Special committee appointed to inform the House that the Council is permanently organized, beg leave to report that the duty assigned them has been discharged.

On motion of Mr. Stutsman,

The Council adjourned until Tuesday, Dec. 3rd, at 10 o'clock A. M.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

SECOND DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 3, 1872.

Council met pursuant to adjournment.

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

On motion of Mr. Stutsman,

The reading of the journal of the 2d instant was postponed until Wednesday, the 4th instant.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,
Yankton, Dec. 2, 1872.

To the Hon. Members of the Council:

I am instructed by the House of Representatives of Dakota Territory, now assembled at Yankton, to communicate to your honorable body, that the House is now fully organized and ready for business, by the election of the following officers:

Speaker—A. J. Mills, of Clay.

Chief Clerk—C. F. Mallahan, of Union.

Assistant Clerk—J. Q. Burbank, of Pembina.

Sergeant-at-Arms—B. E. Pay, of Brookings.

Enrolling Clerk—B. H. Wood, of Bon Homme.

Messenger—Adolph Mauksch, of Yankton.

Fireman—David Thompson, of Lincoln.

Chaplain—Rev. Jos. Ward, of Yankton.

Respectfully,

C. F. MALLAHAN,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Stutsman submitted the following resolution, which was read, considered and agreed to:

Resolved, That a committee of three be appointed by the chair to act conjointly with a like committee on the part of the House, whose duty it shall be to wait upon his excellency, the Governor, and inform him that the Legislative Assembly is now fully organized, and will be ready in joint convention to receive his message at such time as may meet his pleasure.

The chair appointed as such committee, Messrs. Stutsman, Mason and Cooley.

Ordered, That the Secretary acquaint the House therewith.

Mr. Thomas Reed, Sergeant-at-Arms elect, being present, came forward, and the oath of his office was administered by Chief Justice G. W. French.

NOTICE OF CONTEST.

Mr. Bramble presented the notice of J. Gehon, to contest the seat in this Council, from the Sixth District, now held by G. W. Harlan; and gave notice also, that J. D. Flick would contest the seat from the Fifth District, now held by W. T. McKay.

On motion of Mr. Lawrence,

The Council adjourned until Wednesday, Dec. 4th, at 10 o'clock A. M.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

THIRD DAY.

COUNCIL CHAMBER,
Wednesday, Dec. 4, 1872.

Council met pursuant to adjournment.

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

The journals of the second and third instants were then read and approved.

The President then announced the Standing Committees, as follows:

Judiciary—Messrs. Miner, Lawrence and Bramble.

Education—Messrs. McIntyre, Mason and Stevens.

Military Affairs—Messrs. Harlan, Cooley and Mason.

Incorporations—Messrs. Stevens, Stutsman and Crew.

Finance—Messrs. Crew, Bramble and Smith.

Elections—Messrs. Lawrence, Smith and Mason.

Public Buildings—Messrs. Cooley, McKay and McIntyre.

Mines and Minerals—Messrs. McKay, Crew and Cooley.

Indian Affairs—Messrs. Bramble, McIntyre and Stutsman.

Manufactures—Messrs. Smith, Harlan and Miner.

Public Lands—Messrs. Crew, McIntyre and Cooley.

Counties—Messrs. Mason, Lawrence and Harlan.

Territorial Affairs—Messrs. Stutsman, Bramble and McKay.

Agriculture—Messrs. Crew, Smith and Harlan.

Expenditures—Messrs. Miner, McKay and Lawrence.

Public Printing—Messrs. Lawrence, Bramble and Mason.

Engrossed Bills—Messrs. Harlan, Stevens and McIntyre.

Highways, Bridges and Ferries—Messrs. Stutsman, Miner and Cooley.

Enrolled Bills—Messrs. Stutsman, Harlan and Cooley.

Internal Improvements—Messrs. Mason, Bramble and Stevens.

Railroads—Messrs. Lawrence, Crew and Stevens.

Federal Relations—Messrs. McKay, Stutsman and Stevens.

Immigration—Messrs. McIntyre, Miner and Smith.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 4, 1872. }

MR. PRESIDENT:—I am instructed by the House to inform your honorable body of the adoption of the following resolution:

Resolved, That a committee of three be appointed by the chair to act in conjunction with a like committee of the Council, to wait upon his excellency, the Governor, and inform him that the two Houses are ready to receive any communication he may be pleased to make; and that Messrs. Turner, Miner and Wood have been appointed as such committee.

C. F. MALLAHAN,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Lawrence moved that leave be granted him to introduce Council Bill No. 1, entitled "A Bill for a Joint Reso-

lution providing for the election of a Public Printer for the Legislative Assembly and the Territory of Dakota."

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the affirmative.

Ayes 10; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Harlan, Lawrence, Mason, McKay, Smith, Stevens and Mr. President.

Those voting in the negative, were

Messrs. McIntyre, Miner and Stutsman.

So the motion for leave was agreed to.

The bill was then

Read a first and second times.

Thereupon, Mr. McIntyre moved to lay the bill on the table.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the negative.

Ayes 3; noes 10, as follows:

Those voting in the affirmative, were

Messrs. McIntyre, Miner and Stutsman.

Those voting in the negative, were

Messrs. Bramble, Cooley, Crew, Harlan, Lawrence, Mason, McKay, Smith, Stevens and Mr. President.

So the motion to lay on the table was disagreed to.

Mr. Stutsman moved to indefinitely postpone the further consideration of the bill.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the negative.

Ayes 3; noes 10, as follows:

Those voting in the affirmative, were

Messrs. McIntyre, Miner and Stutsman.

Those voting in the negative, were

Messrs. Bramble, Cooley, Crew, Harlan, Lawrence, Mason, McKay, Smith, Stevens and Mr. President.

So the motion to indefinitely postpone was disagreed to.

Mr. McIntyre then moved to refer the bill to a special committee of two, and that the bill be ordered printed.

The ayes and noes being desired by two members and ordered, and it being put,

It was decided in the negative.

Ayes 3; noes 10, as follows:

Those voting in the affirmative, were
Messrs. McIntyre, Miner and Stutsman.

Those voting in the negative, were

Messrs. Bramble, Cooley, Crew, Harlan, Lawrence, Mason, McKay, Smith, Stevens and Mr. President.

So the motion to commit was disagreed to.

Whereupon, Mr. Lawrence moved to suspend the rules, and that the bill be read a third time and put upon its final passage,

And the question being put,

It was decided in the affirmative.

Ayes 10; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Harlan, Lawrence, Mason, McKay, Smith, Stevens and Mr. President.

Those voting in the negative, were

Messrs. McIntyre, Miner and Stutsman.

So the motion to suspend the rules was agreed to, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 8; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Harlan, Lawrence, McKay, Smith, Stevens and Mr. President.

Those voting in the negative, were

Messrs. McIntyre, Miner and Stutsman.

Messrs. Crew and Mason were excused from voting.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith; and request concurrence therein.

Mr. Bramble submitted the following resolution, which was read, considered and agreed to.

Resolved, That the Secretary of the Territory be requested to furnish the members of the Council such copies of the laws and journals of previous sessions, as he may have on hand.

REPORT OF COMMITTEE.

Mr. Stutsman, from the special joint committee, on the part of the Council, submitted the following report:

MR. PRESIDENT:—The joint committee on the part of the Council, have to report that the joint committee waited upon his excellency, the Governor, and communicated to him the message of the two Houses, and in reply were informed by him that he will be pleased to communicate with the two Houses in joint convention, in the hall of the House of Representatives, this day, at 3 o'clock P. M.

ENOS STUTSMAN,
Chairman.

RECESS.

Mr. Stutsman moved that the Council take a recess until half past 2 o'clock P. M.

Which motion was agreed to.

AFTER RECESS.

The hour of recess having expired,
The President resumed the chair, and called the Council to order.

NOTICE OF BILL.

Mr. Bramble, by unanimous consent, gave notice that he will at some future day of the session introduce a bill for a charter for the city of Yankton.

A committee of the House being announced, through their chairman, communicated as follows:

MR. PRESIDENT:—We have been appointed a committee to inform the Council that the House is now prepared to meet your honorable body in joint convention, and the committee will escort the Council to the Representative Hall; thereupon
On motion of Mr. Stutsman,

The Council proceeded to the hall of the House of Representatives, to meet the House in joint convention.

IN JOINT CONVENTION.

The Speaker of the House presiding, called the joint convention to order.

On motion of Mr. Turner,

The clerks of the House were instructed to act as clerks of the joint convention.

The roll being called, the following gentlemen answered to their names:

Council—Messrs. Bramble, Cooley, Crew, Harlan, Lawrence, Mason, McIntyre, McKay, Miner, Smith, Stevens, Stutsman and Mr. President.

House—Messrs. Ashmore, Becker, Bottolfson, Brauch, Clark, Garland, Glynn, Hyde, Kingsbury, Knapp, LaMoure, Langlois, Miner, Norbeck, O. C. Peterson, J. Peterson, Pettigrew, Rohr, Thompson, Trygstadt, Turner, Wahl, Wheeler, Wood and Mr. Speaker.

Absent—Mr. Hamilton.

A quorum of each house being present, the chair proclaimed the joint convention fully organized, and ready for the business for which it was convened; whereupon

Mr. Turner moved that a committee of two, to consist of one member of the Council and one from the House, be appointed to wait upon his excellency, the Governor, and inform him that the two houses have assembled in joint convention, and await his pleasure.

Which motion was agreed to; whereupon

Messrs. Turner and Bramble were appointed as such committee.

After a brief absence, the committee returned, accompanied by his excellency, the Governor, the Chief Justice and other Federal officers, and reported as follows:

MR. CHAIRMAN:—Your committee appointed to wait upon his excellency, the Governor, and inform him that the joint convention of the Legislative Assembly is in session, and await his pleasure, have discharged that duty, and have the honor to present his excellency, the Governor.

His excellency was then invited to the Speaker's stand, when he delivered his second biennial message.

His excellency having retired,
On motion of Mr. McIntyre,
The joint convention was dissolved,
The members returning to the Council Chamber,
The Council was called to order by the
President in the chair.

ADJOURNMENT.

On motion of Mr. Bramble,
The Council adjourned until Thursday, Dec. 5th, at 11
o'clock A. M.

ALEXANDER HUGHES,
President.

Attest:
GEO. I. FOSTER,
Secretary.

FOURTH DAY.

COUNCIL CHAMBER.
Thursday, Dec. 5, 1872. }

Council met pursuant to adjournment.
Mr. President in the chair.
Prayer by the Chaplain.
Roll called.
Members all present.
The Journal of yesterday was read and approved.

MOTIONS AND RESOLUTIONS.

On motion of Mr. McIntyre,
Mr. Mason was permitted to have his vote reconsidered in
favor of Council Bill No. 1, entitled "A bill for a Joint Reso-
lution providing for the election of a Public Printer for the

Legislative Assembly and the Territory of Dakota," which bill passed the Council on the 4th inst.

Mr. Lawrence submitted the following resolution, which was read and considered:

Resolved, That Council Rule No. 22, be amended to read as follows:

22. All bills and joint resolutions after the first reading shall be printed, unless otherwise ordered by the Council, and for that purpose they shall immediately upon such reading be delivered by the Secretary or Assistant Secretary, to the Chairman of the committee on Public Printing, who shall deliver the same to the Public Printer elected by this Legislative Assembly, and whenever any printing of whatever description, shall be ordered by this Council, the same shall be done by such Public Printer.

Whereupon Mr. Stutsman raised to a point of order, to-wit:

That the Council cannot amend the temporary rules adopted for the government of the Council.

The President decided that the point was not well taken.

Mr. Bramble in the chair.

Mr. Stevens moved that the resolution now before the Council be laid on the table, and that the committee on rules be requested to report to-morrow.

Thereupon Mr. Hughes submitted the following amendment:

That the committee on rules be instructed to report a rule to-morrow, in conformity with the resolution now under consideration.

Mr. Stutsman then moved that the Council do now adjourn.

Which motion was disagreed to.

The question then being on the motion of Mr. Hughes to amend, and it being put,

It was agreed to.

The question then recurring on the motion of Mr. Stevens as amended, and being put,

It was agreed to.

ADJOURNMENT.

On motion of Mr. Stutsman,

The Council adjourned until Friday, Dec. 6th, at 10 o'clock
A. M.

ALEXANDER HUGHES,

Attest:

President.

GEO. I. FOSTER,
Secretary.

FIFTH DAY.

COUNCIL CHAMBER,
Friday, Dec. 6, 1872.

Council met pursuant to adjournment.

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Stevens.

The Journal of yesterday was read and approved.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Miner,

Mr. Stevens was excused for non-attendance to-day.

NOTICE OF BILLS.

Mr. Miner gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to revise the Criminal Code, approved January 9th, 1863, and to revise the Justices Code, approved January 7th, 1863, and to repeal all laws in conflict with the same.

Also that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to amend Section one of Chapter twenty-three of the Session Laws of 1870-71.

Mr. President gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce a

bill to amend an act entitled an act to incorporate the Dakota & Northwestern railroad company, approved January 11th, 1867;

Also that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to amend the Exemption laws of Dakota Territory;

Also that he will on to-morrow or some subsequent day of the session, ask leave to introduce a bill to repeal an act to amend an act entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, approved January 13th, 1871;

Also that on to-morrow or some subsequent day of the session, he will ask leave to introduce a bill to amend chapter seven of the session laws of 1868-9, relating to preliminary examinations.

Mr. Stutsman gave notice that he will on to-morrow or some subsequent day of the session, ask leave to introduce one or more bills creating new counties out of the present limits of Pembina and Dakota counties, and the district of country west thereof between the Red River of the North and the western boundary of Dakota.

On motion of Mr. Miner,

The committee on rules was granted further time in which to report.

ADJOURNMENT.

On motion of Mr. Miner,

The Council adjourned until Saturday, Dec. 7th, at 10 o'clock A. M.

ALEXANDER HUGHES,

Attest:

President.

GEO. I. FOSTER,

Secretary.

SIXTH DAY.

COUNCIL CHAMBER, }
 Saturday, Dec. 7, 1872. }

Council met pursuant to adjournment.

Mr. President in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Mr. Stevens.

The Journal of yesterday was read and approved.

MOTIONS AND RESOLUTIONS.

Mr. Bramble submitted the following resolution and certificate of election, and moved the adoption of the resolution:

Resolved, That W. T. McKay is not entitled to a seat in this Council as member from the Fifth Council and Representative District, on the certificate, and that J. D. Flick is entitled to such seat.

CERTIFICATE.

This is to certify that J. D. Flick received the highest number of legal cast at the different precincts in Charles Mix county, Dakota Territory, in the Fifth Council and Representative District, and is duly entitled to the same.

And further, the certificate in W. T. McKay's possession was not given in accordance with my full consent, but by orders of the County Commissioners; they claiming that right.

COLIN LAMONT,

Register of Deeds, Charles Mix Co.,

Dakota Territory.



Nov. 27th, 1872.

Mr. Lawrence moved to lay the resolution on the table.

The ayes and noes being desired by two members, and ordered,

It was decided in the negative.

Ayes 5; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Crew, Harlan, Lawrence, Mason and Mr. President.
Those voting in the negative, were

Messrs. Bramble, Cooley, McIntyre, Miner, Smith and
Stutsman.

So the motion to lay on the table was disagreed to.

Whereupon Mr. Lawrence moved a call of the Council.

The ayes and noes being desired by two members and ordered,

It was decided in the affirmative.

Ayes 5; noes 7, as follows:

Those voting in the affirmative, were

Messrs. Harlan, Lawrence, Mason, McKay and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Cooley, Crew, McIntyre, Miner, Smith and Stutsman.

So the Council ordered that there be a call of the Council, one-fourth of the members voting therefor, and

The roll having been called,

Mr. Stevens failed to answer to his name.

Whereupon Mr. Miner moved to dispense with the further call of the Council.

Which motion was agreed to.

Mr. Bramble then moved that Mr. Stevens be excused for non-attendance to-day.

Which motion was agreed to.

The question then recurring on the motion of Mr. Bramble to adopt the resolution, and

The ayes and noes being desired by two members and ordered,

It was decided in the affirmative.

Ayes 6; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, McIntyre, Miner, Smith and Stutsman.

Those voting in the negative, were

Messrs. Crew, Harlan, Lawrence, Mason and Mr. President.

So the resolution was agreed to.

Mr. Bramble then moved that the vote last taken be recon-

sidered, and moved that the motion to reconsider be laid on the table;

Which latter motion was agreed to.

Whereupon Mr. Lawrence moved that the Council do now adjourn.

Which motion was disagreed to.

Mr. Flick then came forward and the oath of his office was administered by Chief Justice G. W. French.

RESOLUTION.

Mr. McIntyre submitted the following resolution and moved its adoption:

Resolved, That two hundred copies of the Governor's Message be ordered printed for the use of this Council.

Whereupon Mr. Lawrence moved to lay the resolution on the table.

The ayes and noes being desired by two members and ordered,

It was decided in the negative.

Ayes 3; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Lawrence, Mason and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Cooley, Crew, Flick, Harlan, McIntyre, Miner, Smith and Stutsman.

So the motion to lay on the table was disagreed to.

AMENDMENT.

Mr. Mason submitted the following amendment to the resolution:

That fifty copies of the two hundred be printed in Scandinavian.

Which amendment was agreed to.

The question then recurring on the resolution of Mr. McIntyre, as amended.

It was agreed to.

NOTICE OF BILLS.

Mr. Crew gave notice that he will on Monday next, or some subsequent day of the session, ask leave to introduce a bill providing for township organizations.

INTRODUCTION OF BILLS.

Mr. Miner introduced Council Bill No. 2, A bill for an act to amend section one of chapter twenty-three of the Session Laws of 1870-71.

Read a first time.

Mr. Bramble moved that the rules be suspended so as to enable the Council to have the bill read a second time and referred to its appropriate committee.

Whereupon Mr. Lawrence submitted the following amendment:

Add the words "without printing."

Which amendment was agreed to.

The question then recurring on the motion of Mr. Bramble as amended,

It was disagreed to.

COMMUNICATION ON THE PRESIDENT'S TABLE.

The President laid before the Council the following communication from His Excellency, the Governor, which was read and ordered spread upon the Journal:

EXECUTIVE OFFICE, YANKTON,
DAKOTA TERRITORY, Dec. 5th, 1872. }

HON. ALEX. HUGHES,

President of the Council,

SIR:—I have the honor to inform you that I have appointed A. W. Howard my Private Secretary, and that all communications from the Executive Department to your honorable body, will be transmitted through him.

Very Respectfully,

Your Obt. Servt.,

JOHN A. BURBANK,

Governor.

ADJOURNMENT.

On motion of Mr. Miner,

The Council adjourned until Monday, Dec. 9th, at 2 o'clock P. M.

ALEXANDER HUGHES,

President.

Attest:

GEO. I. FOSTER,

Secretary.

EIGHTH DAY.

COUNCIL CHAMBER,
Monday, Dec. 9, 1872. }

Council met pursuant to adjournment.

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

The journal of the seventh instant was then read and approved.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Bramble,

The notice of contest heretofore presented in the case of J. Gehon against G. W. Harlan, sitting member from the Sixth District, was

Referred to the committee on elections.

Mr. McIntyre submitted the following resolution, which was read, considered and agreed to:

Resolved, That the Governor's Message be made a special order for Wednesday, Dec. 11th, at 2 o'clock P. M.

On motion of Mr. Stutsman,

Messrs. Bramble, Cooley and Crew were appointed a committee to confer with a like committee on the part of the House relative to adopting an hour for the stated time of meeting for the two houses.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the special committee, appointed to draft rules for the government of the Council, &c., &c., submitted the following report:

MR. PRESIDENT:—Your special committee appointed to prepare and present rules for the permanent government of

the Council, having had the subject under consideration, beg leave to report the rules of the last Council, with the exception of an amendment to rule No. 22, which is in accordance with the instructions of the Council by its resolution, adopted Dec. 5th, 1872. Not having conferred with the House committee on joint rules, the committee ask further time for that purpose.

Respectfully submitted,

ENOS STUTSMAN,
JOHN LAWRENCE,
O. F. STEVENS.

Mr. Mason moved the adoption of the report of the committee,

Which motion was disagreed to.

Whereupon, Mr. Bramble submitted the following amendment to the rules reported by the committee:

"Strike out Section No. Twenty-two."

Which motion was agreed to.

On motion of Mr. Miner,

The rules of the last session of the Council as amended were adopted.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 2, "A bill for an act to amend section one, of chapter twenty-three, of the session laws of 1870-71,

Was then taken up, and

On motion of Mr. Bramble,

Referred to the committee on agriculture.

Mr. Lawrence, by consent, gave notice that W. T. McKay would contest the seat in this Council, from the Fifth District, now held by J. D. Flick; whereupon

On motion of Mr. Lawrence,

The notice of contest was referred to the committee on elections.

ADJOURNMENT.

On motion of Mr. Stevens,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

NINTH DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 10, 1872.

Council met pursuant to adjournment.

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

The Journal of yesterday was then read and approved.

MOTIONS AND RESOLUTIONS.

Mr. Stevens moved that the office of Assistant Secretary be declared vacant,

Which motion was agreed to, two-thirds of the members voting therefor.

On motion of Mr. Stevens,

The Council then proceeded to the election of an Assistant Secretary.

On motion of Mr. Stevens,

Mr. J. P. Walters was placed in nomination for Assistant Secretary; and

On motion of Mr. Mason,

Mr. C. B. Valentine was placed in nomination for the same office,

And the vote being taken,

Mr. Walters received 7 votes, and

Mr. Valentine received 6 votes, as follows:

Those voting for Mr. Walters, were

Messrs. Bramble, Cooley, Flick, McIntyre, Miner, Smith and Stevens.

Those voting for Mr. Valentine, were

Messrs. Crew, Harlan, Lawrence, Mason, Stutsman and Mr. President.

It appearing that Mr. Walters had received a majority of

all the votes cast, he was declared duly elected Assistant Secretary of the Council.

Mr. Walters then came forward, and the oath of office was administered by Chief Justice G. W. French.

RESOLUTIONS.

Mr. Bramble submitted the following resolution, which was read, considered and agreed to:

Resolved, That the Secretary of the Territory be requested to furnish a desk for the use of newspaper reporters; and that he be requested also to furnish stationery to supply such desk.

Ordered, That the Secretary of the Council acquaint the Territorial Secretary therewith.

Mr. Miner submitted the following resolution, which was read, considered and agreed to:

Resolved, That the Chief Justice and Associate Justices of the Supreme Court, and all other Federal officials of the Territory, be admitted to seats within the bar of the Council, at their pleasure, during the present session of the Legislature.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
Tuesday, Dec. 10, 1872. }

MR. PRESIDENT:—I am instructed to inform the Council, that the House did on the 7th inst., pass Council File No. 1, A bill for a joint resolution providing for the election of a public printer for the Legislative Assembly, and Territory of Dakota.

C. B. VALENTINE,
Chief Clerk, pro tem.

RESOLUTION.

Mr. Lawrence submitted the following resolution, which was read and considered:

Resolved, That when Council File No. One, being a joint resolution providing for the election of a public printer for this Legislative Assembly, and the Territory of Dakota, shall be enrolled, signed by the Speaker of the House and President of the Council, and attested by the Clerk of the House and Secretary of the Council, that it be spread at length upon the journal of the Council, and filed with the Secretary of the Territory.

Mr. McIntyre submitted the following amendment, and moved its adoption:

"Strike from the resolution all that portion relative to spreading upon the journal of the Council."

Which amendment was agreed to.

The question then recurring upon the resolution of Mr. Lawrence, as amended,

The ayes and noes were desired by two members, and ordered,

It was decided in the affirmative.

Ayes 7; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, Harlan, McIntyre, Miner and Stevens.

Those voting in the negative, were

Messrs. Lawrence, Mason Smith, Stutsman, and Mr. President.

So the resolution, as amended, was agreed to.

ADJOURNMENT.

On motion of Mr. Stevens,

The Council adjourned.

ALEXANDER HUGHES,

President.

Attest:

GEO. I. FOSTER,
Secretary.

TENTH DAY.

COUNCIL CHAMBER. }
Wednesday, Dec. 11, 1872. }

Council met pursuant to adjournment and was called to order by,

Mr. President in the chair.

Prayer by the Chaplain.

Roll called.

Members all present.

The Journal of yesterday was read and approved.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
December 11th, 1872. }

MR. PRESIDENT:—I am directed to inform you that the House did, on the 10th inst., appoint Messrs. Lyman, Thompson and Hyde a committee to confer with a like committee on the part of the Council respecting the times of meeting for the two Houses.

C. B. VALENTINE,
Chief Clerk, pro tem.

REPORT OF COMMITTEE.

Mr. Stutsman from the committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—Your committee on Enrolled Bills have examined Council Bill No. 1, entitled a joint resolution providing for the election of a public printer for the Legislative Assembly and the Territory of Dakota, and find the same correctly enrolled.

ENOS STUTSMAN,
Chairman.

INTRODUCTION OF BILLS.

Mr. President introduced Council Bill No. 3, a bill for an act to repeal chapter three of the Session Laws of 1870-71, and the amendment thereto made at the extra session of the Legislative Assembly in 1871,

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on Judiciary.

REPORTS OF COMMITTEES.

Mr. Crew from the committee on Agriculture submitted the following report:

MR. PRESIDENT.—Your committee on Agriculture to whom was referred Council Bill No. 2, entitled an act to amend section one of chapter twenty-three of the Session Laws of 1870-71, have had the same under consideration, and have instructed me to report it back without recommendation.

E. B. CREW,
Chairman.

On motion of Mr. Stevens,

Council Bill No. 2, entitled a bill for an act to amend section one of chapter twenty-three of the Session Laws of 1870-71, reported back by the committee on Agriculture, was
Laid on the table.

REPORT OF COMMITTEE.

Mr. Bramble from the Special Joint Committee submitted the following report:

MR. PRESIDENT:—Your Special Joint Committee, on the part of the Council relative to adopting an hour for the stated times of meeting for the two Houses, beg leave to report that the Joint Committee have agreed upon the hour of 2 o'clock P. M.

D. T. BRAMBLE,
Chairman of Com. on the part of the Council.

On motion of Mr. Stutsman,

The report was adopted.

On motion of Mr. Stutsman,

The hour for considering the Governor's Message was changed from 2 o'clock P. M. to-day, to a quarter to 11 o'clock A. M., Thursday, Dec. 12th.

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Mr. Bramble moved that when the Council adjourns, it adjourn until to-morrow at half past 10 o'clock A. M.

Which motion was agreed to.

REPORT OF COMMITTEE.

Mr. Stutsman from the committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—Your committee on Enrolled Bills have to report that on this day, at 11 o'clock A. M., they did deliver to the Hon. Secretary of the Territory, Council Bill No. 1, entitled a joint resolution providing for the election of a public printer for the Legislative Assembly and the Territory of Dakota.

ENOS STUTSMAN,
Chairman.

ADJOURNMENT.

On motion of Mr. Bramble,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

ELEVENTH DAY.

COUNCIL CHAMBER,
Thursday, Dec. 12, 1872.

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

The Journal of yesterday was read and approved.

MOTIONS AND RESOLUTIONS.

Mr. Miner moved that the name of Mr. Flick be substituted for that of W. T. McKay, on the standing committees of the Council.

Which motion was agreed to.

Mr. Bramble moved that the testimony taken in the House in the contested election cases of Wheelock against Wahl, and Roberts against Pettigrew, be used before the committee on elections in the Council, in the case of Gehon against Harlan, so far as the same shall be applicable.

The ayes and noes being desired by two members,

And the question being put,

It was decided in the affirmative.

Ayes 10; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Those voting in the negative, were

Messrs. Crew and Lawrence.

Mr. Harlan not voting.

NOTICE OF BILLS.

Mr. President gave notice that on to-morrow or some subsequent day of this session, he will introduce a bill to regulate the conditional sales of personal property.

INTRODUCTION OF BILLS.

Mr. Bramble introduced Council Bill No. 4, A bill for an act to provide for the safe keeping of the law library of the Territory of Dakota.

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on Territorial affairs.

Mr. President introduced Council Bill No. 5, A bill for an act to repeal sections six, seven and eight, of chapter five, of the session laws of 1866-67, approved January 11, 1867, and for other purposes.

Read a first and second time, and

On motion of Mr. Bramble,

Referred to the committee on judiciary.

REPORTS OF COMMITTEES.

The order of reports of committees having been announced by the chair, and the committee on elections having been called, and having announced through their chairman that the committee have nothing to report,

Mr. Stutsman moved that the committee on elections be instructed to report on Friday, Dec. 13th, at half past 2 o'clock P. M.

Which motion was agreed to.

COMMITTEE OF THE WHOLE.

The hour having arrived designated for the consideration of the general order, the Council resolved itself into a committee of the whole on the Governor's Message;

Mr. Stutsman in the chair.

After some time spent therein, the committee arose, and through their chairman, reported as follows:

MR. PRESIDENT:—The committee of the whole have had under consideration the second biennial message of his excellency, the Governor, and have agreed upon the following recommendations, and have instructed me to report the same:

1st. That all that portion of the message referring to "Education," be referred to the committee on education.

2nd. That all that portion of the message referring to "Public Lands," be referred to the committee on public lands.

3rd. That all that portion of the message referring to "Immigration," be referred to the committee on immigration.

4th. That all that portion of the message referring to "Indian Affairs," be referred to the committee on Indian affairs.

5th. That all that portion of the message referring to "Division of the Territory," be referred to the committee on Territorial affairs.

6th. That all that portion of the message referring to "Finance," be referred to the committee on finance.

7th. That all that portion of the message referring to "Railroads," be referred to the committee on railroads.

8th. That all that portion of the message referring to "Grand Trunk Railway," be referred to a select committee of seven; one from each Council district.

9th. That all that portion of the message referring to the "Codification of the Laws," be referred to the committee on judiciary.

10th. That all that portion of the message referring to "Territorial Library," be referred to the committee on Territorial affairs.

11th. That all that portion of the message referring to "Arms and Ammunition," be referred to the committee on military affairs.

12th. That all that portion of the message referring to "Territorial Officers," be referred to the committee on Territorial affairs; and

13th. That all that portion of the message under the head of "Concluding Remarks," be referred to the committee of the whole Council, to be made the special order for such time each week, as the Council may order,

And the committee not having concluded the business in hand, asks leave to sit again.

On motion of Mr. Mason,

The report was adopted and leave granted.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

The President laid before the Council the following communications:

SECRETARY'S OFFICE,
Yankton, December 12, 1872.

HON. ALEXANDER HUGHES,

President of the Council:

SIR:—I have the honor to acknowledge the receipt of a communication, through the hands of the Hon. Enos Stutsman, a member of the Council, purporting to be a bill for a joint resolution, providing for the printing to be done for this Legislative Assembly, and to elect a public printer.

I beg leave to inform you that in accordance with the laws of the United States, and the instructions from the Treasury Department, I had previous to the reception of the document referred to, already contracted with responsible parties (Messrs. Stone & Kingsbury, of the Yankton Press) to do the printing; not only of the Laws and Journals, but also of all other matter necessary to be printed for the Legislative As-

sembly. I therefore feel constrained to say that I shall recognize no accounts presented for printing except those coming from the gentlemen whom I have, under the laws and instructions governing my official actions, designated as public printers. I respectfully request that you will lay this communication before the honorable body over which you preside.

Very Respectfully,

EDWIN S. McCOOK,

Secretary of Dakota Territory.

YANKTON, D. T., Dec. 11, 1872.

To the Hon. Members of the Council:

We the undersigned, do most respectfully call the attention to your honorable body, that in printing 50 copies of the Governor's Message in the Skandinavian language, there will be placed an expense upon our Government. If printed in the Norwegian language, the Swede could not read it; and if printed in the Swedish, the Dane and Norwegians could not read it; and all it amounts to will be mere nothing. It does not contain anything more than what have already been advocated in our Skandinavian newspaper, relating to encouragement of immigration, and by forwarding copies of this message as printed in English, to *Fedrelandet*, in La Crosse, Wis., and to *Skandinaven*, in Chicago, and the *Swede Amerikan*, in Chicago, they will translate and print the message without any expense to our Government.

Respectfully.

J. M. WAHL,

J. THOMPSON,

O. C. PETERSON,

J. PETERSON,

G. NORBECK,

M. TRYGSTADT.

ADJOURNMENT.

On motion of Mr. Lawrence,
The Council adjourned.

ALEXANDER HUGHES,

President.

Attest:

GEO. I. FOSTER,

Secretary.

TWELFTH DAY.

COUNCIL CHAMBER,)
Friday, Dec. 13, 1872.)

Council met pursuant to adjournment and was called to order by,

Mr. President in the chair.

Prayer by the Chaplain.

Roll called.

Members all present.

The Journal of yesterday was read and approved.

MOTIONS AND RESOLUTIONS.

Mr. McIntyre submitted the following resolution, which was read, considered and agreed to:

Resolved, That the communication received from the Hon. Secretary of this Territory, yesterday, be referred to a special committee of three.

Mr. Bramble submitted the following resolution which was read and considered:

Resolved, That G. W. Harlan is not entitled to a seat in this Council from the Sixth District, and that J. Gehon is entitled to such seat.

Pending which, after debate,

Mr. Bramble submitted the following resolution which was read, considered and agreed to:

Resolved, That the contested case of J. Gehon against G. W. Harlan, from the Sixth District, be taken from the hands of the committee on Elections to whom it was referred on the 9th inst., and made a special order in committee of the whole Council, to-morrow at a quarter to 11 o'clock A. M.

The hour having arrived, designated for the committee on Elections to report, and the committee having through their Chairman, announced that they were not prepared to report and desired further time.

Mr. Stutsman submitted the following resolution, which was read, considered and agreed to:

Resolved. That the contested case from the Fifth District of W. T. McKay against J. D. Flick, referred to the committee on Elections, on the 9th inst., be taken from the hands of said committee and referred to committee of the whole Council and made a special order for to-morrow, immediately subsequent to the consideration of the case of Gehon against Harlan.

NOTICE OF BILLS.

Mr. Stevens gave notice that on to-morrow or some subsequent day of the session, he will introduce a bill to regulate the laying out of public highways, and to provide for working the same.

REPORTS OF COMMITTEES.

Mr. Miner from the committee on Judiciary submitted the following report:

MR. PRESIDENT:—The committee on Judiciary to whom was referred Council Bill No. 3, entitled a bill for an act to repeal chapter three of the Session Laws of 1870–71, and the amendment thereto made at the Extra Session of the Legislative Assembly in 1871, respectfully report that they have carefully examined the same and directed their Chairman to report it back to the Council, with the recommendation that it do pass.

N. MINER,

Chairman.

Ordered, That said Council Bill No. 3, reported by the committee on Judiciary, be engrossed for a third reading.

Mr. Stutsman moved that when the Council adjourns it adjourn until to-morrow at half past 10 o'clock A. M.

Which motion was agreed to.

ADJOURNMENT.

Whereupon, on motion of Mr. Stutsman,
The Council adjourned.

ALEXANDER HUGHES,

President.

Attest:

GEO. I. FOSTER,

Secretary.

THIRTEENTH DAY.

COUNCIL CHAMBER,
Saturday, Dec. 14, 1872. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

The Journal of yesterday was read and approved.

REPORTS OF COMMITTEES.

Mr. Harlan, from the committee on engrossment, submitted the following report:

MR. PRESIDENT.—Your committee on engrossed bills, to whom was referred Council Bill No. 3, entitled a bill for an act to repeal chapter three of the Session Laws of 1870–71, and the amendment thereto made at the extra session of the Legislative Assembly in 1871, have examined the same, and find it correctly engrossed.

G. W. HARLAN,
Chairman.

COMMITTEE OF THE WHOLE.

The hour having arrived designated for the consideration of the special order, the Council resolved itself into a committee of the whole, on the special order,

Mr. Stutsman in the chair.

After some time spent therein, the committee arose, and through their chairman, reported as follows:

MR. PRESIDENT:—The Council in committee of the whole, have had under consideration the special order, to-wit: The contested case from the Sixth District, of J. Gehon against G. W. Harlan, and have instructed me to report the subject matter back to the Council, with the recommendation that the

resolution submitted by Mr. Bramble on the 13th inst., to-wit: "That G. W. Harlan is not entitled to a seat in this Council from the Sixth District, and that J. Gehon is entitled to such seat," be adopted, and the committee ask leave to sit again at 3 o'clock P. M., this day.

Mr. Bramble moved that the report of the committee be adopted.

Pending which,

Mr. Lawrence moved that the Council do now adjourn.

The ayes and noes being desired by two members and ordered,

And the question being put,

It was decided in the negative.

Ayes 5; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Crew, Harlan, Lawrence, Mason and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Cooley, Flick, McIntyre, Miner, Smith, Stevens and Stutsman.

So the Council refused to adjourn.

The question then recurring on the motion of Mr. Bramble to adopt the report of the committee of the whole Council,

The ayes and noes being desired by two members, and ordered,

And the question being put,

It was decided in the affirmative.

Ayes 6; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Miner, Smith and Stevens.

Those voting in the negative, were

Messrs. Crew, Lawrence, Mason, Stutsman and Mr. President.

Mr. McIntyre was excused from voting.

So the report of the committee of the whole Council was adopted, and leave granted to the committee to sit again at 3 o'clock P. M., this day.

Mr. Gehon being present, then came forward, and the oath of office was administered by Chief Justice G. W. French.

On motion of Mr. Lawrence,

Mr. Cooley was excused from further attendance on the Council this day.

On motion of Mr. Miner,

Mr. Crew was excused from further attendance on the Council this day.

RECESS.

On motion of Mr. Stutsman,

At 1 o'clock P. M., the Council took a recess until 3 o'clock P. M.

AFTER RECESS.

The hour of recess having expired,

The President resumed the chair, and called the Council to order, whereupon,

COMMITTEE OF THE WHOLE.

The hour having arrived designated for the consideration of the special order, the Council resolved itself into a committee of the whole, on the special order,

Mr. Stutsman in the chair.

After some time spent therein, the committee arose, and through their chairman, reported as follows:

MR. PRESIDENT:—The Council in committee of the whole, have had under consideration the special order, to-wit: The contested case from the Fifth District, of W. T. McKay against J. D. Flick, and have instructed me to report the subject matter back to the Council, and recommend the adoption of the following resolution:

RESOLUTION.

Resolved, That W. T. McKay is not entitled to a seat in this Council from the Fifth Council and Representative District, and the committee ask to be discharged from further consideration of the matter.

Mr. Miner moved that the report of the committee be adopted.

The ayes and noes being desired by two members, and ordered,

And the question being put,

It was decided in the affirmative.

Ayes 6; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Gehon, Miner, Smith, Stevens and Stutsman.

Those voting in the negative, were

Messrs. Lawrence, Mason, McIntyre and Mr. President.

So the motion to adopt the report of the committee of the whole Council was agreed to.

ADJOURNMENT.

On motion of Mr. Lawrence,
The Council adjourned.

ALEXANDER HUGHES,

Attest:

President.

GEO. I. FOSTER,
Secretary.

FIFTEENTH DAY.

COUNCIL CHAMBER, }
Monday, Dec. 16, 1872. }

Council met pursuant to adjournment and was called to order by,

Mr. President in the chair.

Prayer by the Chaplain.

Roll called.

Members all present.

The Journal of Saturday, December 14th, was read and approved.

MOTIONS AND RESOLUTIONS.

Mr. McIntyre submitted the following resolution, which was read and considered:

Resolved, That the communication from the Hon. Secretary of this Territory, to this Council of the 12th inst., be referred

to a special committee of three, consisting of Messrs. Stutsman, Crew and Smith.

Whereupon Mr. Lawrence moved that the resolution be amended by creasing the number of the committee to five.

Which motion was agreed to.

The question then recurring on the adoption of the resolution of Mr. McIntyre, as amended, and it being put,

It was agreed to.

Whereupon the Chair appointed

Messrs. Cooley and Gehon upon such committee.

By consent, the name of C. H. McIntyre was substituted for that of Enos Stutsman, on said committee; whereupon

On motion of Mr. Bramble,

The committee was instructed to confer with the Judges of the Supreme Court relative to the subject matter referred to them.

The Chair then announced the following select committee on Grand Trunk Railway, recommended in report of the committee of the whole Council, adopted on the 12th instant:

Messrs. Miner, Bramble, Stevens, Stutsman, Cooley, Flick and Gehon.

On motion of Mr. Miner,

The name of J. Gehon was substituted for that of G. W. Harlan on the Standing Committees of the Council.

INTRODUCTION OF BILLS, PETITIONS AND MEMORIALS.

Mr. President introduced Council Bill No. 6, entitled a bill for an act relating to conditional sales of personal property,

Read a first and second times, and

Referred to the committee on Judiciary.

Mr. McIntyre presented the petition of Mr. Frank Bem, praying for payment for services rendered as Commissioner of Immigration during the years 1869-70,

Which was read, and

On motion of Mr. Stutsman,

Referred to the committee on Immigration.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on Territorial Affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Territorial Affairs have had under consideration C. B. No. 4, entitled a bill for an act to provide for the safe keeping of the Law Library of the Territory of Dakota, and have agreed upon the following amendment thereto:

After the word "room," in section two, insert the words "at the seat of government." And I have been instructed to report said bill back with the recommendation that the amendment be agreed to, and as amended, that the bill do pass.

Respectfully submitted,

ENOS STUTSMAN,
Chairman.

On motion of Mr. Bramble,

The report was adopted.

On motion of Mr. Stutsman,

Ordered, That the said bill be engrossed for a third reading.

COMMUNICATION ON THE PRESIDENT'S TABLE.

The following communication on the President's table was then taken up and read:

SECRETARY'S OFFICE, }
Yankton, D. T., Dec. 16, '72. }

HON. ALEX. HUGHES,

President of the Council,

SIR:—As there seems to be some misunderstanding among the Members regarding the distribution of Stationery &c., allowed to them, I would respectfully state that I have a sufficient supply, and as I am unable to know how much is required by each Member, I request that they make their wants known to me personally or through the Messenger or Sergeant-at-Arms, and I will gladly comply to the extent of my ability.

Very Respectfully,

EDWIN S. McCOOK,

Secretary of Dakota.

COMMUNICATION FROM THE HOUSE.

The following communication from the House and accompanying communication from the Hon. M. K. Armstrong was then received:

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 16th, 1872. }

MR. PRESIDENT:—I am instructed by the House to present to your Honorable body, the accompanying communication received by one of the Members of the House, from Hon. M. K. Armstrong, Delegate in Congress; said communication is herewith presented.

C. F. MALLAHAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
WASHINGTON, D. C., Dec. 9th, 1872. }

HON. J. W. TURNER,

Member of the Legislature, Yankton, D. T.,

SIR.—I have the honor to transmit by to-day's mail, to your address, 440 volumes of Public Documents, and 190 packages of vegetable and tree seeds for distribution to the members of the Legislature now in session at Yankton. The documents and seeds are enclosed in mail sacks, and include the following:

300 copies Agricultural Report for 1871-2.

10 copies Hayden's Geological Report of the Territories.

53 copies President's Message and accompanying Documents.

37 copies Mechanical Reports.

5 copies Treaties of Conventions since 1776.

10 copies Laws of 2nd Session of 42d Congress.

25 copies Reports of N. Y. Custom House Frauds.

150 packages Selected Vegetable seeds.

40 packages Imported tree seeds for Western Prairies.

I will thank you to see that these books and seeds are equally distributed among the respective members of each House to the end that they may be sent to the several counties of the Territory.

I will transmit another installment of documents, seeds, cuttings and floral plants, before the adjournment of your present session. With high regards for yourself and your fellow members,

I remain

Your Obt. Servt.,

M. K. ARMSTRONG,
Delegate in Congress.

UNFINISHED BUSINESS.

Council Bill No. 3, entitled a bill for an act to repeal chapter three of the Session Laws of 1870-71, and the amendments thereto, made at the Extra Session of the Legislative Assembly in 1871, reported correctly engrossed Dec. 14th,

Was then taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

ADJOURNMENT.

On motion of Mr. Miner,

The Council adjourned.

ALEXANDER HUGHES,

President.

Attest:

GEO. I. FOSTER,

Secretary.

SIXTEENTH DAY.

COUNCIL CHAMBER. }
Tuesday, Dec. 17, 1872. }

Council met pursuant to adjournment and was called to order by,

Mr. President in the chair.

Prayer by the Chaplain.

Roll called.

Members all present.

The Journal of yesterday was read and approved.

NOTICE OF CONTEST.

Mr. Bramble presented the notice of J. H. Stone, that he would contest the seat in this Council from the Seventh Council and Representative District, now held by Enos Stutsman, which was

On motion of Mr. Stutsman,

Referred to a select committee of three, consisting of Messrs. Smith, Stevens and Miner.

REPORTS OF COMMITTEES.

Mr. Gehon from the committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—Your committee on Engrossed Bills to whom was referred Council Bill No. 4, entitled a bill for an act to provide for the safe keeping of the Law Library of the Territory of Dakota, have examined the same, and find it correctly engrossed.

J. GEHON,
Chairman.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 4, a bill for an act to provide for the safe

keeping of the Law Library of the Territory of Dakota, reported correctly engrossed,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

ADJOURNMENT.

On motion of Mr. Stutsman,

The Council adjourned.

ALEXANDER HUGHES,

Attest:

President.

GEO. I. FOSTER,

Secretary.

SEVENTEENTH DAY.

COUNCIL CHAMBER, }
Wednesday, Dec. 18, 1872. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

The Journal of yesterday was read and approved.

MOTIONS AND RESOLUTIONS.

Mr. Bramble submitted the following resolution which was read, considered and agreed to:

Resolved, The House of Representatives concurring, that the joint rules of the last session are hereby adopted for the government of the Council and House of Representatives.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

NOTICE OF BILLS.

Mr. Crew gave notice that he will on to-morrow or some subsequent day of the session, introduce a bill regulating the sale of spirituous or intoxicating liquors.

INTRODUCTION OF BILLS.

Mr. Lawrence, by consent, introduced Council Bill No. 7, entitled a bill for an act to authorize the county commissioners of Yankton county, to loan money in certain cases.

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to a special committee consisting of the Yankton county delegation.

ADJOURNMENT.

On motion of Mr. Stevens,
The Council adjourned.

Attest:

GEO. I. FOSTER,
Secretary.

ALEXANDER HUGHES,
President.

EIGHTEENTH DAY.

COUNCIL CHAMBER, }
Thursday, Dec. 19, 1872. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

The Journal of yesterday was read and approved.

NOTICE OF BILLS.

Mr. Bramble gave notice that he will on some future day of the session introduce a bill for an act to regulate payments of bills of exchange and promissory notes.

Mr. McIntyre gave notice that he will on some future day of the session introduce a bill for an act relative to estrays, and for other purposes.

INTRODUCTION OF BILLS.

Mr. Bramble introduced Council Bill No. 8, entitled a bill for an act to incorporate the city of Yankton.

Read a first and second time, and

On motion of Mr. Bramble,

Referred to a select committee consisting of the Yankton county members.

On motion of Mr. Bramble,

Ordered, That one hundred copies of said bill be printed for the use of the members of the Council and House of Representatives.

Mr. McIntyre introduced Council Bill No. 9, entitled a bill for an act to amend section eleven, of chapter fifteen, of the statutes of this Territory, approved January 11th, 1865.

Read a first and second times, and

On motion of Mr. McIntyre,

Referred to the committee on judiciary.

Mr. Stevens introduced Council Bill No. 10, entitled a bill for an act to organize a system of township government for the Territory of Dakota.

Read a first and second times, and

On motion of Mr. Stevens,

Referred to the committee on counties.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }
Thursday, Dec. 19, 1872. }

MR. PRESIDENT:—I am instructed to inform you that the House did on the 18th inst., concur in the Council resolution adopting the rules of the last session for the government of the Council and House of Representatives.

C. F. MALLAHAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Yankton, Dec. 19, 1872. }

MR. PRESIDENT:—I am directed to inform you that the House did, on the 18th inst., pass House File No. 9, A memorial to Congress asking for aid in the cause of education in the Territory of Dakota;

Also House File No. 11, Joint resolution for the appointment of a clerk for the committees of the House, which bills are herewith transmitted, and the concurrence of the Council respectfully asked therein.

C. F. MALLAHAN,
Chief Clerk.

REPORTS OF COMMITTEES.

Mr. Lawrence, from the special committee consisting of the Yankton county members, submitted the following report:

MR. PRESIDENT:—Your special committee consisting of the Yankton county members, to which was referred Council Bill No. 7, entitled a bill for an act to authorize the county commissioners of Yankton county, to loan money in certain cases,

have had the same under consideration, and beg leave to report the accompanying substitute bill, and recommend its adoption.

JOHN LAWRENCE,
C. H. MCINTYRE,
D. T. BRAMBLE,
Committee.

On motion of Mr. Stutsman,
The report was adopted.

Mr. McIntyre, from special committee, submitted the following report:

MR. PRESIDENT:—Your special committee, to whom was referred the communication of the Hon. Secretary of this Territory, of the 12th inst., with instructions to procure the written opinion of the judges of this Territory, relative to the public printing question under consideration, would state that they have performed that duty, and have instructed me to report the same back with the written opinion of two of the judges of this Territory; also the accompanying resolution, recommending its adoption.

C. H. MCINTYRE,
Chairman.

OPINION OF CHIEF JUSTICE G. W. FRENCH.

To the Hon. Alexander Hughes, President; and Gentlemen of the Council:

In accordance with the desire of your honorable body, as made known to us through the Hon. C. H. McIntyre, chairman of the committee, whose duty it was to wait upon the judges for the purpose of learning their opinion of the law touching the rights and powers of the Secretary of this Territory, as also the right and powers of your Legislative body in the expenditure of the public moneys which are being appropriated by Congress from session to session, for the printing of the laws and other incidental expenses attending the sitting of our Territorial Legislature, we have to say; that after carefully examining the law upon that subject, we are clearly of the opinion that the Secretary of our Territory and none other is the disbursing agent of the Government; and as such, has the entire control of said appropriations, and

therefore has the sole right to appoint whoever he chooses as public printer, as he is held responsible by the general government for an honest, faithful and judicious expenditure of said appropriations.

Respectfully, yours,

G. W. FRENCH,

Chief Justice.

YANKTON, Dec. 19, 1872.

OPINION OF ASSOCIATE JUSTICE W. W. BROOKINGS.

To the Honorable Council:

I concur in the opinion of the Chief Justice relative to the public printing. My reasons for such concurrence are that the same question came up in the first Legislature of Dakota, and was then fully discussed and unanimously conceded that the Legislature had no control over the printing. A stronger reason in evidence of such decision is that the universal customs of Territories has been to leave the matter entirely in the hands of the Secretary of the Territory; custom thus making such course a law even were it not expressly placed under the control of the Secretary by statute.

Can it be that for the last thirty years, the several Secretary's of the several Territories have usurped the rights and privileges of the Legislatures in the matter of public printing? The Secretary in this matter only executes the instructions he receives from the First Comptroller of the Treasury.

I am therefore of the firm opinion that the manner in which the printing has been disposed of heretofore, is the correct one, and that the Legislature has no control whatever over such disposition, to the extent of the appropriation made by Congress for such printing.

Very Respectfully,

Your Ob't Serv't,

W. W. BROOKINGS,

Associate Justice Supreme Court.

RESOLUTION.

Resolved, That the Secretary of the Council be, and hereby is instructed to deliver to the Secretary of the Territory, all bills or other matter to be printed under the rules of the Council, requesting such officer to procure the same printed.

On motion of Mr. Lawrence,

The report and accompanying papers were made a special order for half past 2 o'clock P. M., on Friday, Dec. 20th, to be considered in committee of the whole Council.

REPORT OF COMMITTEE.

Mr. Smith, from special committee, submitted the following report:

MR. PRESIDENT:—Your special committee to whom was referred the contest from the Seventh District of J. H. Stone against Enos Stutsman, beg leave to report the matter back to the Council, with the recommendation that it be made the special order for 3 o'clock P. M., this day, and considered in committee of the whole Council.

On motion of Mr. Stevens,

The report was adopted.

COMMUNICATION FROM THE SECRETARY.

Mr. Miner, by consent, submitted the following communication from the Hon. Secretary of Dakota Territory, and the accompanying communication from the Hon. R. W. Taylor, Comptroller of Currency:

SECRETARY'S OFFICE,
Yankton, Dec. 19, 1872. }

CAPT. NELSON MINER,

Member of the Council:

SIR:—I have the honor to inclose a copy of a letter received from Hon. R. W. Taylor, First Comptroller, for the information of the Council, which fully explains itself.

Very Respectfully,

EDWIN S. McCOOK,

Secretary of Dakota.

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE, }
December 11, 1872. }

EDWIN S. McCook, Esq.,

Secretary Territory of Dakota, Yankton,

SIR:—I herewith return the contract and bond of Stone & Kingsbury, for the public printing of the Territory of Dakota.

It has not been the practice of this department to interfere in the employment of printers in the Territory; but such em-

ployment has been left to the judgment of the Secretary of each Territory, under his official responsibility. Neither the Legislature nor any officer of the Territory, except the Secretary, can employ or appoint a printer; and no one, unless employed or appointed by the Secretary will be recognized or paid by this department; and it will be your duty to adopt the same course.

["Signed,"]

Very Respectfully,

R. W. TAYLOR,

Comptroller.

On motion of Mr. McIntyre,

The communication from the Hon. Secretary and the accompanying communication from the Hon. Comptroller, were made a special order to be considered in committee of the whole Council, at same time as the report of special committee, submitted by Mr. McIntyre.

FIRST READING OF HOUSE FILES.

House File No. 9, entitled a memorial to Congress asking for aid in the cause of education in the Territory of Dakota,

Was then taken up, and

Read a first and second times, and

On motion of Mr. Lawrence,

Referred to the committee on education.

House File No. 11, entitled joint resolution for the appointment of a clerk for the committees of the House,

Was then taken up, and

Read a first and second times, and

On motion of Mr. Crew,

Referred to the committee on expenditures.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 7, (substitute) entitled a bill for an act to authorize the county commissioners of Yankton county, to borrow money in certain cases, reported by special committee consisting of the Yankton county members,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

RECESS.

On motion of Mr. Bramble,

At twenty minutes to 3 o'clock P. M., the Council took a recess until 3 o'clock P. M.

AFTER RECESS.

The hour of recess having expired,

The Council was called to order by

Mr. President in the chair, whereupon,

Mr. President announced the Council in committee of the whole, on the special order.

Mr. Bramble in the chair.

After some time spent therein, the committee arose, and through their chairman reported that the committee of the whole having had under consideration the special order, to-wit: The contest for the Seventh District, of J. H. Stone against Enos Stutsman, have instructed me to report progress, and ask leave to sit again to-morrow at 10 o'clock A. M.

On motion of Mr. Stevens.

The report was adopted.

Mr. Flick moved that when the Council adjourn it adjourn until to-morrow at 10 o'clock A. M.

Which motion was agreed to.

ADJOURNMENT.

On motion of Mr. Flick,

The Council adjourned.

ALEXANDER HUGHES.

Attest:

President.

GEO. I. FOSTER.

Secretary.

NINETEENTH DAY.

COUNCIL CHAMBER,
Friday, Dec. 20, 1872.

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Roll called.

Absent, Messrs. Cooley and Stevens.

On motion of Mr. Bramble,

The reading of yesterday's Journal was postponed until this P. M.

MOTIONS AND RESOLUTIONS.

Mr. Miner submitted the following resolution, which was read, considered and agreed to:

Resolved, That the consideration of the contest from the Seventh District, of J. H. Stone against Enos Stutsman, made the special order for 10 o'clock, A. M. this day, be postponed until 3 o'clock P. M., on Monday, December 23d.

On motion of Mr. Bramble,

The Council adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Council met pursuant to adjournment and was called to order by,

Mr. President in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Mr. Stevens.

The Journal of yesterday was then read and approved.

MOTIONS AND RESOLUTIONS.

Mr. Lawrence submitted the following resolution which was read and considered:

Resolved, That the consideration of the special order set for 2 o'clock P. M. this day be postponed until Tuesday December 24th, at 10 o'clock A. M.

Pending which,

Mr. Bramble submitted an amendment, as follows:

“Add thereto, and that no printing be ordered by this Council until the subject matter is disposed of.”

The ayes and noes being desired by two members and ordered,

And the question being put,

It was decided in the affirmative.

Ayes 8; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Crew, Flick, Gehon, Mason, McIntyre, Miner and Stutsman.

Those voting in the negative, were

Messrs. Cooley, Lawrence, Smith and Mr. President.

So the amendment was agreed to.

The question then recurring on the resolution of Mr. Lawrence, as amended,

And the question being put,

It was agreed to.

On motion of Mr. Crew,

Mr. Simonson, Messenger of the Council, was granted leave of absence until Monday, the 23d inst.

NOTICE OF BILLS.

Mr. Mason gave notice that on to-morrow or some subsequent day of the session, he will introduce a memorial to

Congress, relative to public printing, ordered by this Legislative Assembly.

Mr. Flick gave notice that on to morrow or some subsequent day of the session, he will introduce a bill to exempt the counties of Charles Mix and Buffalo, from the existing herd law.

INTRODUCTION OF BILLS, &C.

Mr. Crew introduced Council Bill No. 11, entitled a bill for an act to provide against the evils resulting from the sale of intoxicating liquors in the Territory of Dakota.

Read a first and second times, and

On motion of Mr. Gehon,

Referred to a special committee of three.

The chair appointed as such committee,

Messrs. Gehon, Bramble and Miner.

Mr. Bramble introduced Council Bill No. 12, entitled a bill for an act regulating payment of promissory notes and bills of exchange.

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on judiciary.

ADJOURNMENT.

On motion of Mr. Stutsman,

The Council adjourned.

ALEXANDER HUGHES,

Attest:

President.

GEO. I. FOSTER,

Secretary.

TWENTIETH DAY.

COUNCIL CHAMBER, }
Saturday, Dec. 21, 1872. }

Council met pursuant to adjournment and was called to order by,

Mr. President in the chair.

Prayer by the Chaplain.

Roll called.

Absent, Mr. Stevens.

The Journal of yesterday was read and approved.

NOTICE OF BILLS.

Mr. Mason gave notice that he will on some subsequent day of the session, introduce a bill for an act relative to gambling in Dakota Territory.

Mr. McIntyre gave notice that on some subsequent day of the session, he will introduce a memorial to the Postmaster General of the United States.

INTRODUCTION OF BILLS, &C.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 13, entitled a bill for an act relating to the proof, acknowledgment and recording of deeds, mortgages and other instruments in writing.

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on judiciary.

Mr. Bramble, by consent, without previous notice, introduced Council Bill No. 14, entitled a memorial to the Hon. Secretary of War asking that Yankton be made one of the starting points for the transportation of military supplies on the Missouri river.

Read a first and second times, and

On motion of Mr. Bramble,

The rules were suspended, and under the operation thereof the bill was read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title.

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on judiciary, submitted the following report:

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 6, a bill for an act relating to conditional sales of personal property, have had the same under consideration, and have agreed to report the same back with the recommendation that the bill do pass.

N. MINER,

Chairman.

Mr. Miner, from the committee on expenditures, submitted the following report:

MR. PRESIDENT:—The chairman of the committee on expenditures, to which committee was referred House File No. 11, entitled joint resolution for the appointment of a clerk for the committees of the House, has had the same under consideration, and has agreed to report the same back with the recommendation that the said resolution do not pass.

NELSON MINER,

Chairman.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,
Saturday, Dec. 21, 1872.

MR. PRESIDENT:—I am instructed to inform the Council that the House did on the 19th inst. pass House File No. 6, a memorial to the Congress of the United States to establish a mail route between Elk Point, Union county, and Turner, Turner county;

House File No. 8, a bill for an act to lay out and establish a Territorial road from Sioux Falls to Yankton, D. T.;

House File No. 10, a memorial to Congress for aid in constructing the Vermillion Valley and Northern Pacific Railroad, which bills are herewith transmitted, and the concurrence of the Council respectfully requested therein; also

That the House did on the same day, pass Council Bill No. 3, a bill for an act to repeal chapter three of the session laws of 1870-71, which bill is herewith returned; and also

That the House did on the 20th inst. pass House File No. 4, a bill for an act to amend section one of chapter thirty-three of the session laws of 1870-71;

House File No. 14, a bill for an act to establish a Territorial road from the city of Yankton, by way of Scotland, Bon Homme county, and Milltown, in Hutchinson county, to Rockport, in Hanson county;

House File No. 13, an act to amend chapter one of the special laws of 1870-71.

House File No. 12, an act granting certain powers to the county commissioners of Union county relating to the establishment of road districts in said county, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein; also

That the House did on the same day, pass Council Bill No. 7, a bill for an act to authorize the county commissioners of Yankton county, to borrow money in certain cases; and

Council Bill No. 4, an act to provide for the safe keeping of the law library of the Territory of Dakota, which bills are herewith returned.

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said Council Bills Nos. three (3), seven (7) and four (4) be enrolled.

On motion of Mr. Mason,

The report of the committee on expenditures was taken up for consideration, and

On motion of Mr. Lawrence,

The report was disagreed to, whereupon

Mr. Crew moved that the bill be read a third time, and put upon its final passage.

Which motion was agreed to.

The bill was accordingly read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative,

Ayes 8; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Lawrence, Mason, McIntyre and Mr. President.

Those voting in the negative, were

Messrs. Gehon, Miner and Smith.

So the bill was passed.

The question then being on agreeing to its title, and it being put.

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

REPORT OF COMMITTEE.

Mr. Stutsman, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 7, entitled a bill for an act to authorize the county commissioners of Yankton county to borrow money in certain cases, and find the same correctly enrolled.

E. STUTSMAN,
Chairman.

FIRST READING OF HOUSE FILES.

House File No. 12, entitled an act granting certain powers to the county commissioners of Union county relating to the establishment of road districts in said county
Was taken up, and

Read a first and second times, and

On motion of Mr. Miner,

Referred to a special committee consisting of the Union county members.

House File No. 13, entitled an act to amend chapter one of the special laws of 1870-71

Was taken up, and

Read a first and second times, and

On motion of Mr. McIntyre,

Referred to the committee on judiciary.

House File No. 14, entitled a bill for an act to establish a Territorial road from the city of Yankton, by way of Scotland, Bon Homme county, and Milltown, in Hutchinson county, to Rockport, in Hanson county,

Was then taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to a special committee consisting of

Messrs. Cooley, Lawrence, Bramble and McIntyre.

House File No. 8, entitled a bill for an act to lay out and establish a Territorial road from Sioux Falls to Yankton, D. T.,

Was then taken up, and

Read a first and second times, and

On motion of Mr. Gehon,

Referred to a special committee consisting of

Messrs. Gehon, Crew and Lawrence.

House File No. 10, entitled a memorial to Congress for aid in constructing the Vermillion Valley and Northern Pacific Railroad

Was taken up, and

Read a first and second times, and

On motion of Mr. Mason,

Referred to the committee on railroads.

House File No. 4, entitled a bill for an act to amend section one of chapter thirty-three of the session laws of 1870-71

Was taken up, and

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on Territorial affairs.

House File No. 6, entitled a memorial to the Congress of

the United States to establish a mail route between Elk Point, Union county, and Turner, Turner county, Dakota Territory,

Was taken up, and

Read a first and second times, and

On motion of Mr. Bramble,

Referred to a select committee consisting of the Union county members.

REPORT OF COMMITTEE.

Mr. Stutsman, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills have to report that they did on ~~Saturday~~, Dec. 21st, 1872, at the hour of 2½ o'clock P. M., hand to his excellency, the Governor, Council Bill No. 7, entitled an act to authorize [the county commissioners of Yankton county, to borrow money in certain cases, for his action thereon.

E. STUTSMAN,
Chairman.

COMMUNICATION FROM THE GOVERNOR.

The President, by consent, presented the following communication from his excellency, the Governor:

EXECUTIVE OFFICE, YANKTON,)
DAKOTA TERRITORY, Dec. 21, 1872. }

HON. ALEXANDER HUGHES,
President of the Council:

SIR:—I have the honor to inform you that I have this day approved Council Bill No. 7, entitled an act to authorize the county commissioners of Yankton county, to borrow money in certain cases.

Very Respectfully,
Your Ob't Serv't,
JOHN A. BURBANK,
Governor.

ADJOURNMENT.

On motion of Mr. Flick,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

TWENTY-SECOND DAY.

COUNCIL CHAMBER.
Monday, Dec. 23, 1872. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Prayer by the chaplain. •

Roll called.

Absent, Mr. Stevens.

The Journal of Saturday, the 21st inst., was read and approved.

MOTIONS AND RESOLUTIONS.

Mr. Miner submitted the following resolution, which was read, considered and agreed to:

Resolved, That we will not admit any person to address the Council on any question pending before the Council, except members of the same, either in committee of the whole or otherwise.

COMMUNICATION.

By consent, the following communication was submitted by the President, read and considered:

YANKTON, D. T., Dec. 23, 1872.

To the Honorable President of the Council of the Dakota Legislature :

SIR:—Business complications in the East having unexpectedly arisen, which require my immediate presence, I am obliged to withdraw from the contest for the seat in your honorable body, as Councilman from the 7th District, and in doing so, permit me to express to you, and through you to the Honorable Council over which you are called to preside, my

sincere thanks for the many favors and courtesies extended, and the many kind expressions in my behalf.

I am, very truly yours,

J. H. STONE.

Whereupon, Mr. Stutsman moved that the further consideration of the contest from the Seventh District, of J. H. Stone against Enos Stutsman, be indefinitely postponed.

Which motion was agreed to.

Mr. Stutsman moved that the vote last taken be reconsidered, and moved also that the motion to reconsider be laid on the table.

Which latter motion was agreed to.

On motion of Mr. Bramble,

Mr. Crew was excused from attendance on the Council, until Monday, Dec. 29th, on account of illness in his family.

NOTICE OF BILLS.

Mr. McIntyre gave notice that on to-morrow or some subsequent day of the session, he will introduce a memorial to the Congress of the United States asking for an appropriation to aid in the construction of bridges across the Dakota river, in this Territory.

Mr. Bramble gave notice that on to-morrow or some subsequent day of the session, he will introduce a memorial to Congress asking an appropriation for public buildings for this Territory.

INTRODUCTION OF BILLS.

Mr. Flick introduced Council Bill No. 15, entitled a bill for an act exempting the counties of Charles Mix and Buffalo from the effects of the herd law.

Read a first and second times, and

On motion of Mr. Gehon,

Referred to the committee on agriculture.

Mr. President introduced Council Bill No. 16, entitled a bill for an act exempting certain property from sale upon execution or other process.

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on judiciary.

REPORTS OF COMMITTEES.

Mr. McIntyre, from the committee on education, submitted the following report:—

MR. PRESIDENT:—Your committee on education to whom was referred House File No. 9, entitled a memorial to Congress asking for aid in the cause of education in the Territory of Dakota, have had the same under consideration, and would beg leave to report the memorial back and recommend that it do pass.

C. H. McINTYRE,
Chairman.

UNFINISHED BUSINESS.

Council Bill No. 6, entitled a bill for an act relating to conditional sales of personal property, reported back by the committee on judiciary, on the 21st inst.,

Was taken up, and

Read a third time.

Pending which

On motion of Mr. Miner,

The further consideration of the bill was postponed until Tuesday, December 24th.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
Monday, Dec. 23, 1872. }

MR. PRESIDENT:—I am instructed to inform you that the House did on the 21st inst., pass House Bill No. 17, a memorial to the Congress of the United States to appropriate a sum of money for the erection of a bridge across the Big Sioux river;

House Bill No. 26, a memorial to the Congress of the United States praying for a grant of land in Dakota Territory to aid in the construction of the Dakota Grand Trunk Railway, which bills are herewith transmitted, and the concurrence of Council respectfully requested therein.

C. F. MALLAHAN,
Chief Clerk.

FIRST READING OF HOUSE FILES.

House File No. 17, entitled a memorial to the Congress of

the United States to appropriate a sum of money for the erection of a bridge across the Big Sioux river,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 26, entitled a memorial to the Congress of the United States praying for a grant of land in Dakota Territory, to aid in the construction of the Dakota Grand Trunk Railway,

Was taken up, and

Read a first and second times, and

On motion of Mr. Bramble,

Referred to a special committee on Grand Trunk Railway.

Mr. Miner in the chair.

Mr. Lawrence moved that the Council do now adjourn.

Which motion was disagreed to.

Mr. Hughes moved that the special order set for to-morrow at 10 o'clock A. M., be changed to fifteen minutes past 9 o'clock A. M.

Which motion was agreed to.

Mr. McIntyre moved that when the Council adjourn, it adjourn until to-morrow at 9 o'clock A. M.

Which motion was agreed to.

ADJOURNMENT.

On motion of Mr. McIntyre,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

TWENTY-THIRD DAY.

COUNCIL CHAMBER, }
Tuesday, Dec. 24, 1872. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Roll called.

Absent, Mr. Crew.

The Journal of yesterday was read and approved.

The hour having arrived designated for the consideration of the special order, the President announced the Council in committee of the whole Council; and after some time spent therein, the President resumed the chair, and Mr. Stutsman reported that the committee having had under consideration the special order, viz: The report and accompanying papers submitted on the 19th inst., by the special committee, to whom was referred the communication from the Hon. Secretary of the Territory, of the 12th inst., have directed him to report the subject matter back to the Council, with the recommendation that the Council adopt the resolution submitted with the

report of the special committee on the 19th inst., and the committee ask to be discharged from further consideration of the matter.

On motion of Mr. Bramble,
The report was adopted.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Lawrence,
Mr. Mason was excused from attendance on the Council until Friday, Dec. 27th.

On motion of Mr. Miner,
Mr. Flick was excused from attendance on the Council until Friday, Dec. 27th.

On motion of Mr. Flick,
Mr. Walters, Assistant Secretary, was excused until Friday, Dec. 27th.

On motion of Mr. Lawrence,
Mr. Hughes was excused from attendance on the Council until Friday, Dec. 27th.

INTRODUCTION OF BILLS.

Mr. Gehon introduced Council Bill No. 17, entitled a memorial to the Congress of the United States asking for an appropriation for the construction of bridges over the Big Sioux river,

Read a first and second times, and

On motion of Mr. Lawrence,

The rules were suspended, and under the operation thereof the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes none, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Flick, Gehon, Lawrence, Miner, McIntyre, Smith, Stevens and Stutsman.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

REPORTS OF COMMITTEES.

Mr. Stevens, from special committee, submitted the following report:

MR. PRESIDENT:—Your special committee consisting of the Union county members, to whom was referred House Bill No. 6, a memorial to Congress asking that a mail route be established from Elk Point, Union county, to Turner, Turner county, Dakota Territory, have had the same under consideration, and report the same back without amendment, and recommend its passage.

O. F. STEVENS.

Mr. Lawrence, from the committee on railroads, submitted the following report:

MR. PRESIDENT:—Your committee on railroads, to whom was referred House File No. 10, entitled a memorial to Congress for aid in constructing the Vermillion Valley and Northern Pacific Railroad, have had the same under consideration, and beg leave to report it back and recommend its passage.

JOHN LAWRENCE,
Chairman.

Mr. Gehon, from special committee, submitted the following report:

MR. PRESIDENT:—Your special committee, to whom was referred House File No. 8, entitled a bill for an act to lay out and establish a Territorial road from Sioux Falls to Yankton, D. T., have had the same under consideration and beg leave to report it back with the following amendment, and recommend that it do pass.

J. GEHON,
JOHN LAWRENCE.

AMENDMENT.

Strike out the name of Wm. I. Bunker wherever it occurs, and insert in lieu thereof the name of J. V. Bunker.

UNFINISHED BUSINESS.

Council Bill No. 6, entitled a bill for an act relating to conditional sales of personal property,

Read a third time on the 23d inst.,
Was taken up for consideration, and
On motion of Mr. Bramble,
Recommitted to the committee on judiciary.

House File No. 9, entitled a memorial to Congress asking
for aid in the cause of education in the Territory of Dakota,
reported back by the committee on education on the 23d inst.,
Was taken up, and
Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass?"

It was decided in the affirmative,
Ayes 9; noes none, as follows:
Those voting in the affirmative, were
Messrs. Bramble, Flick, Gehon, Lawrence, Mason, Miner,
Smith, Stevens and Stutsman.

None voting in the negative,
So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

CONSIDERATION OF THE GENERAL FILE OF BILLS, &C.

House File No. 8, entitled a bill for an act to lay out and
establish a Territorial road from Sioux Falls to Yankton, D.
T., reported back by special committee with amendment,

Was then taken up for consideration, and
On motion of Mr. Flick,
The report of the committee was adopted.

Whereupon, the bill was
Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Flick, Gehon, Lawrence, Mason,
McIntyre, Miner, Smith, Stevens and Stutsman.

None voting in the negative.
So the bill was passed.

The question then being on agreeing to its title,
And it being put,
The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence in the amendment thereto.

House File No. 6, entitled a memorial to the Congress of
the United States to establish a mail route between Elk Point,
Union county, and Turner, Turner county, Dakota Territory,
reported back by special committee,

Was taken up, and
Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 9; noes none, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Flick, Gehon, McIntyre, Miner,
Smith, Stevens and Stutsman.

None voting in the negative.

So the bill was passed.

The question then being upon agreeing to its title, and it
being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 10, entitled a memorial to Congress for aid
in constructing the Vermillion Valley and Northern Pacific
Railroad, reported back by the committee on railroads,

Was taken up, and
Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass?"

It was decided in the affirmative.

Ayes 10; noes none, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Flick, Gehon, Lawrence, McIn-
tyre, Miner, Smith, Stevens and Stutsman.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,
And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

ADJOURNMENT.

On motion of Mr. Bramble,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

TWENTY-FOURTH DAY.

COUNCIL CHAMBER,)
Wednesday, Dec. 25, 1872.)

Council met pursuant to adjournment, and was called to order by

The Secretary.

On motion of Mr. Bramble,

Mr. Miner was elected President *pro tem*.

Prayer by the chaplain.

ADJOURNMENT.

On motion of Mr. Bramble,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

TWENTY-FIFTH DAY.

COUNCIL CHAMBER. }
Thursday, Dec. 26, 1872. }

Council met pursuant to adjournment, and was called to order by

The Secretary.

On motion of Mr. Bramble,

Mr. Miner was elected President *pro tem*.

Prayer by the Chaplain.

Roll called.

Absent, Messrs. Flick, Mason, Stevens and Mr. President.

The Journals of the 24th and 25th insts., were read and approved.

MOTIONS AND RESOLUTIONS.

Mr. Cooley submitted the following resolution which was read, considered and agreed to:

WHEREAS, Hon. E. B. Crew, a member of the Council of this Territory, has been called away from his official duties here by means of a forged telegram, and thereby needlessly and uselessly alarmed concerning the health of his family, and at the same time led to take an unpleasant and dangerous ride across the prairie in the darkness and fury of a winter storm at night; therefore be it

Resolved, By this Council, that a committee of three members be appointed by the chair, whose duty it shall be to investigate the outrage above mentioned, and to report the result of their labors to this Council without unnecessary delay; and that said committee is hereby invested with all necessary powers to send for persons and papers.

The chair appointed as such committee,

Messrs. Cooley, Stutsman and Bramble.

Mr. Bramble submitted the following resolution, which was read, considered and agreed to:

Resolved, That the committee on education be requested to examine the school laws of 1870-71, with a view to amending said law, to provide for a board of six trustees for each district, two to be elected each year.

On motion of Mr. Bramble,

Ordered, That Council Bill No. 8, a bill for an act to incorporate the city of Yankton, be taken from the hands of the special committee, consisting of the Yankton county members, to whom it was referred on the 19th inst., and made a special order to be considered in committee of the whole Council, Friday, Dec. 27th, at half past 2 o'clock P. M.; and that the President *pro tem.* be empowered to procure said bill, if it be found not to be in possession of said committee.

NOTICE OF BILLS.

Mr. Bramble gave notice that he will on to-morrow or some subsequent day of the session, introduce a bill for an act to amend chapters twenty-four and twenty-five of the session laws of 1868-69.

INTRODUCTION OF BILLS.

Mr. Stutsman introduced Council Bill No. 18, entitled a bill for an act defining the boundaries of Pembina county, and creating new counties,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on Territorial affairs.

Mr. McIntyre introduced Council Bill No. 19, entitled a memorial to the Congress of the United States praying for an appropriation to aid in the construction of bridges across the Dakota river, in the Territory of Dakota,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on Federal relations.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
Yankton, Dec. 26, 1872. }

MR. PRESIDENT:—I am instructed to inform you that the House did on the 22nd inst., pass Council Bill No. 14, a memorial to the Hon. Secretary of War asking that Yankton be

named as one of the starting points for the transportation of military supplies on the Missouri river, which bill is herewith respectfully returned;

Also that the House did on the same day, pass House File No. 18, a memorial to the Congress of the United States praying for an appropriation to aid in the construction of a wagon road from Yankton via Scotland and Milltown, to Rockport, in Hanson county; also

House File No. 21, a memorial to Congress asking for a geological survey of the Territory of Dakota, which bills are herewith transmitted, and the concurrence of the Council respectfully requested therein.

C. B. VALENTINE,
Chief Clerk, pro tem.

Ordered, That said Council Bill No. 14 be enrolled.

CONSIDERATION OF THE GENERAL FILE OF BILLS.

House File No. 18, entitled a memorial to the Congress of the United States praying for an appropriation to aid in the construction of a wagon road from Yankton via Scotland and Milltown, to Rockport, in Hanson county,

Was taken up, and

Read a first and second times, and

On motion of Mr. McIntyre,

Referred to the committee on Federal relations.

House File No. 21, entitled a memorial to Congress asking for a geological survey of the Territory of Dakota,

Was taken up, and

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on Indian affairs.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have to report that they have examined Council Bill No. 3, entitled an act to repeal chapter three of the session laws of 1870-71, and the amendment thereto, made at the extra session of the Leg-

islative Assembly in 1871, and we find the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have to report that they have examined Council Bill No. 4, entitled an act to provide for the safe keeping of the law library of Dakota Territory, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

ADJOURNMENT.

On motion of Mr. Bramble,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

TWENTY-SIXTH DAY.

COUNCIL CHAMBER, }
Friday, Dec. 27, 1872. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Lawrence.

The Journal of yesterday was read and approved.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Bramble,
Mr. Lawrence was excused for non-attendance to-day.

INTRODUCTION OF BILLS.

Mr. Stevens, by consent, without previous notice, introduced Council Bill No. 20, entitled a bill for an act submitting the question of a herd law in four townships of Union county, to a vote of the people of said townships,

Read a first and second times, and

On motion of Mr. Miner,

Referred to a special committee consisting of the Union county members.

Mr. Gehon, by consent, without previous notice, introduced Council Bill No. 21, entitled a bill for an act to amend an act entitled an act to establish a public school law for the Territory of Dakota,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on education.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 22, entitled a bill for an act to codify and simplify the practice, pleadings and proceedings of the courts of this Territory,

Read a first and second times, and

On motion of Mr. Mason,

Referred to the committee on judiciary.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 23, entitled a bill for an act relative to costs in criminal cases before justices of the peace,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on judiciary.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 24, entitled a bill for an act relative to sureties,

Read a first and second times, and

On motion of Mr. Crew,

Referred to the committee on judiciary.

Mr. McIntyre, by consent, without previous notice, introduced Council Bill No. 25, entitled a bill for an act in relation

to estrays, unclaimed property and beasts doing damage,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on agriculture.

Mr. McIntyre introduced Council Bill No. 26, entitled a memorial to the Postmaster General of the United States praying that the mail service on route No. —, from Yankton to Sioux Falls, Dakota Territory, be increased to six times a week,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on Federal relations.

Mr. Stutsman introduced Council Bill No. 27, entitled a bill for an act creating new counties and defining their boundaries,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on Territorial affairs.

Mr. Stutsman, by consent, without previous notice, introduced Council Bill No. 28, entitled a bill for an act repealing a portion of the criminal code and to re-enact the justices code of 1865-66,

Read a first and second times, and

On motion of Mr. Flick,

Referred to the committee on judiciary.

Mr. Bramble in the chair.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on judiciary, submitted the following reports:

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 12, entitled a bill for an act regulating payment of promissory notes and bills of exchange, would most respectfully report the same back with the recommendation that it do pass.

N. MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 13, entitled a bill for an act relating to the proof, acknowledgment and recording of deeds, mortgages and other instruments in writing, beg leave to report

that they have had the same under consideration and recommend that said bill do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary to whom was referred House File No. 13, it being an act to amend chapter one of the special laws of 1870–71, would respectfully report that they have examined the same and recommend that it be amended as follows: Strike out the words “The aforesaid chapter” in the third line of section one, and insert the words “Chapter one of the special laws of 1870–71,” and with said amendment the committee recommend that the bill do pass.

N. MINER,
Chairman.

Mr. Stutsman, from the committee on Territorial affairs, submitted the following reports:

MR. PRESIDENT:—Your committee on Territorial affairs have had under consideration Council Bill No. 18, entitled a bill for an act defining the boundaries of Pembina county, and creating new counties, and report the same back with the recommendation that it do pass.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on Territorial affairs have to report that they have had under consideration House Bill No. 4, entitled a bill for an act to amend section one of chapter thirty-three of the session laws of 1870–71, and have agreed upon the recommendation that the bill do pass.

E. STUTSMAN,
Chairman.

Mr. Crew, from the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture, to whom was referred Council Bill No. 18, entitled an act to exempt the counties of Charles Mix and Buffalo from the effect of the herd law, have had the same under consideration, and would recommend with the following amendment that it do pass: “*Provided, however,* That this act shall not be so construed as in any way to repeal the herd law, or in any way to change the same as it now exists in other counties of this Territory

aside from those mentioned in said bill."

E. B. CREW,
Chairman.

Mr. Flick, from the committee on Federal relations, submitted the following reports:

MR. PRESIDENT:—The committee on Federal relations to whom was referred House File No. 18, entitled a memorial to Congress praying for an appropriation to construct a wagon road from Yankton to Rockport, Hanson county, D. T., have duly considered the same and recommend that it do pass.

J. D. FLICK,
Chairman.

MR. PRESIDENT:—The committee on Federal relations to whom was referred Council Bill No. 19, entitled a memorial to Congress asking for an appropriation to construct bridges across the Dakota river, have duly considered the same and recommend that it do pass.

J. D. FLICK,
Chairman.

Mr. Mason, from the committee on counties, submitted the following report:

MR. PRESIDENT:—Your committee on counties to whom was referred Council Bill No. 10, entitled an act to establish a system of township organization for the Territory of Dakota, would respectfully report the same back with the recommendation that it do not pass.

JAS. MASON,
Chairman.

Mr. Gehon, from special committee, submitted the following report:

MR. PRESIDENT:—Your special committee, to whom was referred Council Bill No. 11, entitled a bill for an act to provide against the evils resulting from the sales of intoxicating liquors in the Territory of Dakota, have had the same under consideration, and beg leave to report it back to the Council and recommend that the bill be made a special order and considered in committee of the whole Council on Monday, Dec. 30th, at half past two o'clock P. M.

J. GEHON,
Chairman.

The hour having arrived designated for the consideration of the special order, viz: Council Bill No. 8, entitled a bill for an act to incorporate the city of Yankton,

Mr. McIntyre, from the special committee, to whom it was referred on the 19th, inst., stated that the committee had been informed that the said bill is at the office of the *Union & Dakotian*; but the committee are unable to obtain possession of the same; whereupon,

On motion of Mr. Bramble,

Ordered, That the Sergeant-at-Arms be instructed to proceed to the office of the *Union & Dakotian*, and request that the said bill be returned to the Council; also,

On motion of Mr. Bramble,

Ordered, That the consideration of said special order be postponed until Tuesday, Dec. 31st, at half past 2 o'clock P. M.

CONSIDERATION OF THE GENERAL FILE OF BILLS.

Council Bill No. 12, entitled a bill for an act regulating the payment of promissory notes and bills of exchange, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, McIntyre, Miner, Smith, Stevens and Stutsman.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Council Bill No. 13, entitled a bill for an act relating to the proof, acknowledgment and recording of deeds, mortgages and other instruments in writing,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, McIntyre, Miner, Smith, Stevens and Stutsman.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,
And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

House File No. 13, entitled an act to amend chapter one of the special laws of 1870-71, reported back by the committee on judiciary, with amendment,

Was taken up for consideration, and
On motion of Mr. Stutsman,

The report of the committee was adopted, and the bill ordered to a third reading.

It was accordingly read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative,

Ayes 11; noes 1, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, McIntyre, Miner, Stevens, Stutsman and Mr. President.

Mr. Smith voted in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in the amendment thereto.

Council Bill No. 18, entitled a bill for an act defining the boundaries of Pembina county, and creating new counties, reported back by the committee on Territorial affairs,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, McIntyre, Miner, Smith, Stevens and Stutsman.

None voting in the negative.

Mr. President not voting.

So the bill was passed.

The question then being upon agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

House File No. 4, entitled a bill for an act to amend section one of chapter thirty-three, of the session laws of 1870-71, reported back by the committee on Territorial affairs,

Was taken up for consideration, and

On motion of Mr. Stutsman,

Ordered, That said bill be committed to the committee on judiciary.

Council Bill No. 15, entitled a bill for an act to exempt the counties of Charles Mix and Buffalo, from the effects of the head law, reported back by the committee on agriculture, with amendment,

Was taken up for consideration, and

On motion of Mr. Stutsman,

The report of the committee was adopted.

Ordered, That said bill be engrossed for a third reading.

House File No. 18, entitled a memorial to Congress praying for an appropriation to construct a wagon road from Yankton to Rockport, Hanson county, D. T., reported back by the committee on Federal relations,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Gehon, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

Mr. Crew not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

Council Bill No. 19, entitled a memorial to Congress asking for an appropriation to construct bridges across the Dakota river, reported back by the committee on Federal relations;

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Gehon, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

Mr. Crew not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Council Bill No. 10, entitled a bill for an act to establish a system of township organization for the Territory of Dakota, reported back by the committee on counties, with the recommendation that it do not pass,

Was taken up for consideration, and

On motion of Mr. Stevens,

Ordered, That the said bill be committed to a special committee consisting of

Messrs. McIntyre, Crew and Smith.

Council Bill No. 11, entitled a bill for an act to provide against the evils resulting from the sales of intoxicating liquors in the Territory of Dakota, reported back by special committee, with the recommendation that the bill be made a special order for half past 2 o'clock P. M., Monday, Dec. 30, to be considered in committee of the whole Council,

Was taken for consideration, and

On motion of Mr. Stutsman,

The report of the committee was adopted.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,
Yankton, Dec. 27, 1872. }

MR. PRESIDENT:—I am instructed to inform you that the House did on yesterday pass House Bills entitled as follows:

No. 5, a bill for an act to amend section 47 of chapter 4 of the session laws of 1869-70;

No. 19, a bill for an act to lay out and establish a Territorial road from Canton, Lincoln county, D. T., to Maxwell City, Hutchinson county, D. T.;

No. 20, a bill for an act providing for a term of the district court in the county of Turner;

No. 23, a bill for an act to locate and establish a Territorial road from Canton to Bloomingdale, D. T.;

No. 29, a bill for an act to amend section one (1) of chapter twenty-three (23) of the session laws of 1870-71;

No. 30, a bill for an act in relation to judgments and foreclosures of mortgages; and

No. 31, a bill for an act legalizing the assessment of Minnehaha county, for the year 1872, which bills are herewith transmitted, and the concurrence of the Council respectfully requested therein; also

That the House did on yesterday, pass Council Bill No. 17, a memorial to the Congress of the United States asking for an appropriation for the construction of bridges over the Big Sioux river, which bill is herewith respectfully returned; also

That the House did on the same day concur in Council amendment to House File No. 8, a bill for an act to lay out

and establish a Territorial road from Sioux Falls to Yankton, D. T.,

C. B. VALENTINE,
Chief Clerk, pro tem.

Ordered, That said Council Bill No. 17 be enrolled.

FIRST READING OF HOUSE FILES.

House File No. 5, entitled a bill for an act to amend section 47, chapter 4 of the session laws of 1868-69,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on judiciary.

House File No. 19, entitled a bill for an act to lay out and establish a Territorial road from Canton, Lincoln county, D. T., to Maxwell City, Hutchinson county, D. T.,

Was taken up, and

Read a first and second times, and

On motion of Mr. Mason,

Referred to the committee on highways, bridges and ferries.

House File No. 20, entitled a bill for an act providing for a term of the district court in the county of Turner,

Was then taken up, and

Read a first and second times, and

On motion of Mr. Mason,

Referred to the committee on judiciary.

House File No. 23, entitled a bill for an act to locate and establish a Territorial road from Canton to Bloomingdale, D. T.,

Was then taken up, and

Read a first and second times, and

On motion of Mr. Gehon,

Referred to the committee on highways, bridges and ferries.

House File No. 29, entitled a bill for an act to amend section one (1) of chapter twenty-three (23) of the session laws of 1870-71,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on agriculture.

House File No. 30, entitled a bill for an act in relation to judgments and foreclosures of mortgages,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stevens,

Referred to the committee on judiciary.

House File No. 31, entitled a bill for an act legalizing the assessment of Minnehaha county for the year 1872,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on finance.

REPORT OF COMMITTEE.

Mr. Stutsman, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills did this day hand to his excellency, the Governor, for his approval, on this day, at 10 minutes past 2 o'clock P. M., Council Bill No. 3, entitled an act to repeal chapter three of the session laws of 1870-71, and the amendment thereto made at the extra session of the Legislative Assembly in 1871; also

Council Bill No. 4, entitled an act to provide for the safe keeping of the law library of the Territory of Dakota.

E. STUTSMAN,
Chairman.

Mr. President in the chair.

ADJOURNMENT.

On motion of Mr. McIntyre,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

TWENTY-SEVENTH DAY.

COUNCIL CHAMBER, }
Saturday, Dec. 28, 1872. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Absent, Mr. Lawrence.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Bramble,

Mr. Lawrence was excused from attendance to-day.

NOTICE OF BILLS.

Mr. Bramble gave notice that he will on Monday next, or some subsequent day of the session, introduce a bill for an act requiring Territorial officers to keep their offices at the capital of the Territory.

Mr. President gave notice that on some subsequent day of the session, he will introduce a bill to provide for the election of the county commissioners in Union county, and for other purposes.

Mr. Cooley gave notice that he will on some subsequent day of the session, introduce a bill to provide for the laying out of a Territorial road from Yankton to Choteau Creek, the western boundary of Bon Homme county; also

That on some subsequent day of the session he will introduce a bill to exempt Bon Homme county from the herd law during the winter season.

Mr. Gehon gave notice that he will on some subsequent day of the session introduce a bill to amend chapter seventeen of section forty-two of the laws of 1870-71.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 17, entitled a memorial to the Congress of the United States asking for an appropriation for the construction of bridges over the Big Sioux river, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have to report that they have examined Council Bill No. 14, entitled a memorial to the Hon. Secretary of War asking that Yankton be named as one of the starting points for the transportation of military supplies on the Missouri river, and find the same correctly enrolled.

E. STUTSMAN,
Chairman.

INTRODUCTION OF BILLS, &C.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 29, entitled a bill for an act to provide for a synoptical index to all the laws in force in Dakota Territory,

Read a first and second times, and

On motion of Mr. Gehon,

Referred to the committee on Territorial affairs.

Mr. Flick, by consent, without previous notice, introduced Council Bill No. 30, entitled a memorial to Congress for the speedy and final settlement of certain claims of settlers on the Ft. Randall military reservation,

Read a first and second times, and

On motion of Mr. Miner,

Referred to the committee on military affairs.

Mr. Bramble introduced Council Bill No. 31, a bill for an act to increase the compensation of probate judge and county treasurer in certain cases,

Read a first and second times, and

On motion of Mr. Bramble,

The rules were suspended, and under the operation thereof the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. Bramble introduced Council Bill No. 32, entitled a bill for an act to amend chapter twenty-five of the session laws of 1868-69,

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on judiciary.

Mr. Bramble introduced Council Bill No. 33, entitled a bill for an act to amend chapter twenty-four of the session laws of 1868-69,

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on judiciary.

Mr. Flick, by consent, without previous notice, introduced Council Bill No. 34, entitled a bill for an act to locate and establish a Territorial road from Sioux Falls to Fort Thompson via Rockport, on the James or Dakota river, and the mouth of White Earth river,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to a special committee consisting of

Messrs. Flick, Cooley and Gehon.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 35, entitled a bill for an act to repeal chapter first of the session laws of 1868-69, entitled an act to establish a code of criminal procedure for Dakota Territory, approved January 12, 1869, and for other purposes,

Read a first and second times, and

On motion of Mr. Stutsman,
Referred to the committee on judiciary.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on judiciary, submitted the following report:

MR. PRESIDENT:—Your committee on judiciary to whom was referred Council Bill No. 16, entitled a bill for an act exempting certain property from sale upon execution or other process, have had the same under consideration, and have agreed to report it back with the recommendation that it be made a special order and considered in committee of the whole Council on Monday, Dec. 30th, at three o'clock P. M.

N. MINER,
Chairman.

Mr. Bramble, from the committee on Indian affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Indian affairs, to whom was referred House File No. 21, entitled a memorial to Congress asking for a geological survey of the Territory of Dakota, have considered the same and have agreed to report it back and recommend its indefinite postponement.

D. T. BRAMBLE,
Chairman.

Mr. Gehon, from committee on engrossed bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed bills, to whom was referred Council Bill No. 15, a bill for an act exempting the counties of Charles Mix and Buffalo from the effects of the herd law, have examined the same and found it correctly engrossed.

J. GEHON,
Chairman.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have to report that on this day at 2½ o'clock P. M., they did hand to his excellency, the Governor, Council Bill No. 14, entitled a memorial to the Hon. Secretary of War, asking that Yankton be named as one of the starting points for transportation

of military supplies on the Missouri river.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have to report that on this day at 2½ o'clock P. M., they did hand to his excellency, the Governor, Council Bill No. 17, entitled a memorial to the Congress of the United States asking for an appropriation for the construction of bridges over the Big Sioux river.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have to report that they have examined House Bill No. 6, entitled a memorial to the Congress of the United States to establish a mail route between Elk Point, Union county, and Turner, Turner county; also

House Bill No. 8, entitled an act to lay out and establish Territorial road from Sioux Falls to Yankton, D. T.; also

House Bill No. 9, entitled a memorial to Congress asking for aid in the cause of education in the Territory of Dakota; also

House Bill No. 10, entitled a memorial to Congress for aid in constructing the Vermillion Valley and Northern Pacific Railroad; and also

House Bill No. 17, entitled, memorial to the Congress of the United States to appropriate a sum of money for the erection of a bridge across the Big Sioux river, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House.

HOUSE OF REPRESENTATIVES, }
Yankton, Dec. 19, 1872. }

MR. PRESIDENT:—I am directed to inform you that the House did on the 26th instant, pass House File No. 28, a bill for an act to establish a Territorial road from Yankton via Walshtown, Childstown, Wicklow, Medary and Richville, to Breckenridge; also that the House did on the 27th instant pass the following House Files:

No. 7, a bill for an act reorganizing the bureau of immigration for the Territory of Dakota;

No. 32, a bill for an act to appoint deputy county surveyors in the Territory of Dakota;

No. 38, a bill for an act to change the name of "Slip-Up" valley to that of Scott valley; and

No. 43, a memorial to Congress asking for the division of the present Territory of Dakota, and the erection of an additional Territorial organization out of the northern part of the same, which bills are herewith transmitted and the concurrence of the Council respectfully asked therein.

C. F. MALLAHAN,
Chief Clerk.

CONSIDERATION OF THE GENERAL FILE OF BILLS, &C.

House File No. 28, entitled a bill for an act to establish a Territorial road from Yankton via Walshtown, Childstown, Wicklow, Medary and Richville, to Breckenridge,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman.

Referred to the committee on counties.

House File No. 32, entitled a bill for an act to appoint deputy county surveyors in the Territory of Dakota,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stevens,

Referred to the committee on Indian affairs.

House File No. 38, entitled a bill for an act to change the name of "Slip-Up" valley to that of Scott valley,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on judiciary.

House File No. 43, entitled a memorial to Congress asking for the division of the present Territory of Dakota, and the erection of an additional Territorial organization out of the northern part of the same,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

MR. PRESIDENT:—I am instructed by the House to recall House Bill No. 7, an act reorganizing the bureau of immigration for the Territory of Dakota, for the further consideration of the bill.

Respectfully,

C. F. MALLAHAN,
Chief Clerk.

On motion of Mr. Miner,

Ordered, That said bill be returned to the House.

Council Bill No. 15, entitled a bill for an act exempting the counties of Charles Mix and Buffalo, from the effects of the herd law, reported correctly engrossed,

Was then taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Council Bill No. 16, entitled a bill for an act exempting certain property from sale upon execution or other process, reported back by the committee on judiciary, with the recommendation that the bill be made a special order to be considered in committee of the whole Council on Monday, Dec. 30th, at three o'clock P. M.,

Was taken up for consideration, and

On motion of Mr. Bramble,

The report of the committee was adopted.

House File No. 21, entitled a memorial to Congress asking for a geological survey of the Territory of Dakota, reported back by the committee on Indian affairs, with the recommendation that the bill be indefinitely postponed,

Was taken up for consideration, and

On motion of Mr. Smith,

The report of the committee was laid on the table.

Whereupon, on motion of Mr. Stevens,

The bill was committed to a special committee, consisting of

Messrs. Miner, Smith and Gehon.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from his excellency, the Governor, by Mr. A. W. Howard, Private Secretary:

EXECUTIVE OFFICE,
Yankton, D. T., Dec. 28, 1872. }

MR. PRESIDENT:—I have the honor to transmit herewith a communication from his excellency, the Governor, stating his action in regard to certain Council Bills and Memorials.

Very Respectfully,

Your Ob't Serv't,

A. W. HOWARD,

Private Secretary.

EXECUTIVE OFFICE, YANKTON, }
DAKOTA TERRITORY, Dec. 28, 1872. }

HON. ALEXANDER HUGHES,

President of the Council:

SIR:—I have the honor to state that I have this day approved the following Council Bills, and placed the same on file with the Secretary of the Territory:

Council Bill No. 4, an act to provide for the safe keeping of the law library of the Territory of Dakota;

Council Bill No. 3, an act to repeal chapter three of session laws of 1870-71, and the amendment thereto made at the extra session of the general assembly in 1871;

Council Bill No. 17, a memorial to the Congress of the United States asking for an appropriation for the construction of bridges over the Big Sioux river;

Council Bill No. 14, a memorial to the Hon. Secretary of War asking that Yankton be named as one of the starting points for the transportation of military supplies on the Missouri river.

Very Respectfully,

Your Ob't Serv't,

JOHN A. BURBANK,

Governor.

ADJOURNMENT.

On motion of Mr. Stutsman;

The Council adjourned.

ALEXANDER HUGHES,

President.

Attest:

GEO. I. FOSTER,

Secretary.

TWENTY-NINTH DAY.

COUNCIL CHAMBER, }
Monday, Dec. 30, 1872. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

The Journal of the 28th inst. was read and approved.

NOTICE OF BILLS.

Mr. Lawrence gave notice that he will on to-morrow or some future day of the session introduce a bill requiring the county treasurers to deposit the county moneys with national or local banks.

INTRODUCTION OF BILLS.

Mr. Gehon introduced Council Bill No. 36, entitled a bill for an act to amend an act entitled an act providing for elections and to prescribe the canvass and the return of the same,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on elections.

Mr. Flick introduced Council Bill No. 37, entitled a memorial to the Postmaster General of the United States praying that the mail service on route No. —, from Fort Randall to Fort Sully, Dakota Territory, be increased to three times a week,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on Federal relations.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 38, entitled a bill for an act to secure religious societies within this Territory in the possession of their churches and other property,

Read a first and second times, and

On motion of Mr. Mason,

Referred to the committee on judiciary.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 39, entitled a bill for an act relative to paupers,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on finance.

Mr. Cooley introduced Council Bill No. 40, entitled a bill for an act exempting the counties of Bon Homme and Hutchinson from the effects of the herd law during the winter months,

Read a first and second times, and

On motion of Mr. Cooley,

Referred to the committee on agriculture.

Mr. Cooley introduced Council Bill No. 41, entitled a bill for an act to establish and locate a Territorial road from Yankton to Choteau Creek, Dakota Territory,

Read a first and second times, and

On motion of Mr. Cooley,

Referred to the committee on highways, bridges and ferries.

Mr. Bramble, by consent, without previous notice, introduced Council Bill No. 42, entitled a memorial to the Senate and House of Representatives in Congress assembled,

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on Federal relations.

Mr. President, by consent, without previous notice, introduced Council Bill No. 43, entitled a bill for an act to amend title eleven of an act entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, by adding the following chapter,

Read a first and second times, and

On motion of Mr. McIntyre,

Referred to the committee on judiciary.

Mr. Flick, by consent, without previous notice, introduced Council Bill No. 44, entitled a memorial to his excellency, the President of the United States,

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on Federal relations.

Mr. Stutsman, by consent, without previous notice, introduced Council Bill No. 45, entitled a memorial to Congress praying for an appropriation to construct a military wagon road in the valley of the Red River of the North,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on highways, bridges and ferries.

Mr. Stutsman, by consent, without previous notice, introduced Council Bill No. 46, entitled a memorial to the President of the United States relative to the Pembina band of Chippewa Indians,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on Indian affairs.

Mr. Stutsman, by consent, without previous notice, introduced Council Bill No. 47, entitled a memorial to Congress asking for an appropriation to remove the obstructions to navigation on the Red River of the North,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on highways, bridges and ferries.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on judiciary, submitted the following reports:

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 6, being an act relating to conditional sales of personal property, respectfully report that they have duly considered the same and recommend that it be amended as follows, to-wit: Strike out all of said bill after the word "against" in the third line of the first section of said bill, and insert the following: "A subsequent innocent purchaser or incumbrancer for a valuable consideration, where the party purchases of the person in actual possession, or where the party receives an incumbrance from the party in

actual possession, unless a copy of the conditional sale and a description of the property be filed with the register of deeds of the county in which the property is situated;" and with said amendment, the committee recommend that said bill do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 22, an act to codify and simplify the practice, pleadings and proceedings of the courts of this Territory, do most respectfully represent that they have duly considered the same and do most cordially recommend that said bill do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 23, it being an act relative to costs in criminal cases before justices of the peace, would respectfully report that they have duly examined the same and report it back to the Council with the recommendation that it do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 24, it being an act relative to sureties, do most respectfully represent that they have duly considered the same and do report the same back to the Council with the recommendation that it do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 28, it being an act repealing a portion of the criminal code and to re-enact the justice code of 1865-66, would respectfully report that they have duly considered the same and report the same back with the recommendation that it do pass.

NELSON MINER,
Chairman.

Mr. Gehon, from the committee on military affairs, submitted the following report:

MR. PRESIDENT:—Your committee on military affairs, to whom was referred Council Bill No. 30, entitled a memorial to Congress for the speedy and final settlement of certain claims of settlers on the Fort Randall military reservation, have had the same under consideration and beg leave to report back the same without recommendation.

J. GEHON,
Chairman.

Mr. Stutsman, from the committee on Territorial affairs, submitted the following reports:

MR. PRESIDENT:—Your committee on Territorial affairs have had under consideration Council Bill No. 29, entitled a bill for an act to provide for a synoptical index to all the laws in force in Dakota Territory, and have agreed to report the same back with the recommendation that it do pass.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on Territorial affairs have examined Council Bill No. 27, entitled a bill for an act creating new counties and defining their boundaries, and have agreed to report the same back with the recommendation that it do pass.

E. STUTSMAN,
Chairman.

Mr. Mason, from the committee on counties, submitted the following report:

MR. PRESIDENT:—Your committee on counties to whom was referred House File No. 28, entitled a bill for an act to establish a Territorial road from Yankton via Walshtown, Childstown, Wicklow, Medary and Richville to Breckenridge, have had the same under consideration and would recommend that the bill do pass.

(Signed)

JAS. MASON,
Chairman.

Mr. Stutsman, from the committee on highways, bridges and ferries, submitted the following report:

MR. PRESIDENT:—Your committee on highways, bridges and ferries have had under consideration House Bill No. 19, entitled a bill for an act to lay out and establish a Territorial

road from Canton, Lincoln county, D. T., to Maxwell City, Hutchinson county, D. T.; also

House Bill No. 23, entitled a bill for an act to locate and establish a Territorial road from Canton to Bloomingdale, D. T., which we have agreed to report back without recommendation.

E. STUTSMAN,
Chairman.

Mr. Miner, from the committee on judiciary, submitted the following report:

MR. PRESIDENT:—The committee on judiciary, to whom was referred House File No. 4, entitled a bill for an act to amend section one of chapter thirty-three of the session laws of 1870-71, after duly considering the same, do recommend that it be amended by striking out all after the first section of said bill and adding the following, to-wit:

Section 2. *Provided, however,* That this act and the act to which this is an amendment shall not extend to private lands or lands to which a homestead or pre-emption right may have extended, until the owner or homestead or pre-emption claimant shall have filed with the clerk of the board of county commissioners their consent in writing, to the location of said road on their lands or claims describing the land and stating where and on what lines said road may be opened, and when said consent is given, then the same is to be a public highway. This act to take effect from and after its passage. With said amendment, the committee recommend that said bill do pass.

NELSON MINER,
Chairman.

Mr. Stevens, from special committee, submitted the following report:

MR. PRESIDENT:—Your special committee to whom was referred House Bill No. 12, entitled a bill for an act granting certain powers to the county commissioners of Union county relating to the establishment of road districts in said county, report the same back with the recommendation that the bill do pass as amended.

O. F. STEVENS,
A. HUGHES,
HENRY SMITH.

The hour having arrived designated for the consideration of the special order set for half past 2 o'clock P. M., this day, the Council resolved itself into the committee of the whole thereon, and after some time spent therein, the President resumed the chair, and Mr. Stutsman reported that the committee having had under consideration the special order, viz:

Council Bill No. 11, entitled a bill for an act to provide against the evils resulting from the sale of intoxicating liquors in the Territory of Dakota, have directed him to report the same and recommend that it be committed to the committee on judiciary.

On motion of Mr. Mason,

The report of the committee was adopted.

The hour having arrived designated for the consideration of the special order set for 3 o'clock P. M., this day, the Council resolved itself into the committee of the whole thereon, and after some time spent therein, the President resumed the chair, and Mr. Crew reported that the committee having had under consideration the special order, to-wit:

Council Bill No. 16, entitled a bill for an act exempting certain property from sale upon execution or other process, have directed him to report progress, and ask leave to sit again Dec. 31st, at 3 o'clock P. M.

On motion of Mr. Stutsman,

The report of the committee was adopted.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,)
Yankton, Dec. 30, 1872.)

MR. PRESIDENT:—I am directed to inform you that the House did, on the 28th inst., pass House Bills entitled as follows:

No. 40, a bill for an act to establish a Territorial road in the county of Pembina, D. T.;

No. 41, a bill for an act to legalize the acts of the county commissioners of Bon Homme and Hutchinson counties;

No. 46, a bill for a memorial to the Postmaster General praying that service may be put upon the entire route from Yankton to the Northern Pacific Railroad, which bills are herewith transmitted and the concurrence of the Council re-

spectfully requested therein.

C. F. MALLAHAN,
Chief Clerk.

Mr. Bramble in the chair.

FIRST READING OF HOUSE FILES.

House File No. 40, entitled a bill for an act to establish a Territorial road in the county of Pembina, D. T.,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on highways, bridges and ferries.

House File No. 41, entitled a bill for an act to legalize the acts of the county commissioners of Bon Homme and Hutchinson counties,

Was taken up, and

Read a first and second times, and

On motion of Mr. McIntyre,

Referred to the committee on judiciary.

House File No. 46, entitled a bill for a memorial to the Postmaster General praying that service may be put upon the entire route from Yankton to the Northern Pacific Railroad,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on Federal relations.

BILLS REPORTED BACK BY COMMITTEE.

Council Bill No. 16, entitled a bill for an act relating to conditional sales of personal property, reported back by the committee on judiciary, with amendment,

Was taken up for consideration, and

On motion of Mr. Hughes,

The report of the committee was adopted.

Ordered, That said bill be engrossed for a third reading.

Council Bill No. 22, entitled a bill for an act to codify and simplify the practice, pleadings and proceedings of the courts of this Territory, reported back by the committee on judiciary,

Was taken up for consideration, and

On motion of Mr. Hughes,

Made a special order for Thursday, January 2d, 1873, at 3 o'clock P. M.

Council Bill No. 23, entitled a bill for an act relative to costs in criminal cases before justices of the peace, reported back by the committee on judiciary,

Was taken up for consideration, and

On motion of Mr. Miner,

Laid on the table.

Council Bill No. 24, entitled a bill for an act relative to sureties, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, Gehon, Mason, Miner, Smith, Stevens, Stutsman and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Lawrence and McIntyre.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Council Bill No. 28, entitled a bill for an act repealing a portion of the criminal code and to re-enact the justices code of 1865-66, reported back by the committee on judiciary,

Was then taken up, and —

Read a third time.

Whereupon, on motion of Mr. Hughes,

Its further consideration was postponed until Tuesday, Dec. 31st.

Council Bill No. 30, entitled a memorial to Congress for the speedy and final settlement of certain claims of settlers on the Fort Randall military reservation, reported back by the committee on military affairs,

Was then taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr.
President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein..

Council Bill No. 29, entitled a bill for an act to provide for
a synoptical index to all the laws in force in Dakota Territo-
ry, reported back by the committee on Territorial affairs,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative,

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr.
President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

Council Bill No. 27, entitled a bill for an act creating new
counties and defining their boundaries, reported back by the
committee on Territorial affairs,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

House File No. 28, entitled a bill for an act to establish a Territorial road from Yankton via Walshtown, Childstown, Wicklow, Medary and Richville, to Breckenridge, reported back by the committee on counties,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 11; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Smith, Stevens, Stutsman and Mr. President.

Those voting in the negative, were

Messrs. Bramble and Miner.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 19, entitled a bill for an act to lay out and establish a Territorial road from Canton, Lincoln county, D. T., to Maxwell City, Hutchinson county, D. T., reported back by the committee on highways, bridges and ferries,

Was taken up for consideration, and

On motion of Mr. Gehon,
Laid on the table.

House File No. 23, entitled a bill for an act to locate and establish a Territorial road from Canton to Bloomingdale, D. T., reported back by the committee on highways, bridges and ferries,

Was taken up for consideration, and
On motion of Mr. Gehon,
Laid on the table.

House File No. 4, entitled a bill for an act to amend section one (1) of chapter thirty-three (33) of the session laws of 1870-71, reported back by the committee on judiciary, with amendment,

Was taken up for consideration, and
On motion of Mr. Crew,

The report of the committee was adopted, whereupon,
Mr. Stevens moved to lay the bill on the table.

And the question being put,

The ayes and noes being desired by two members, and ordered,

It was decided in the negative.

Ayes 6; noes 7, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Lawrence, McIntyre, Smith and Stevens.

Those who voted in the negative, were

Messrs. Crew, Flick, Gehon, Mason, Miner, Stutsman and Mr. President.

So the motion to lay on the table was disagreed to.

Mr. Stevens then moved to refer the bill to a special committee of three,

Which motion was agreed to.

Messrs. Stevens, Smith and Stutsman were appointed such committee.

On motion of Mr. Miner,

Ordered, That said bill, as amended, be printed.

House File No. 12, entitled a bill for an act granting certain powers to the county commissioners of Union county, relating to the establishment of road districts in said county, reported back by special committee, with amendment,

Was taken up for consideration, and

On motion of Mr. Hughes,

The report of the committee was adopted.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in said amendments.

On motion of Mr. Crew,

Ordered, That the Secretary be requested to ascertain, if possible, the whereabouts of Council Bill No. 10, entitled a bill for an act to organize a system of township government for the Territory of Dakota.

REPORT OF COMMITTEE.

Mr. Stutsman, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills, have had under consideration House Bill No. 43, entitled a memorial to Congress asking for the division of the present Territory of Dakota, and the creation of an additional Territorial organization out of the northern part of the same; also

House Bill No. 18, entitled a memorial to the Congress of the United States praying for an appropriation to aid in the construction of a wagon road from Yankton via Scotland and Milltown to Rockport, Hanson county; and also

House Bill No. 11, entitled joint resolution for the appointment of a clerk for the committees of the House, and find the same correctly enrolled.

E. STUTSMAN,
Chairman.

ADJOURNMENT.

On motion of Mr. Stutsman,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

THIRTIETH DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 31, 1872. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Roll called.

Members all present.

On motion of Mr. Bramble,

The reading of yesterday's Journal was dispensed with.

INTRODUCTION OF BILLS.

Mr. Lawrence introduced Council Bill No. 48, entitled a bill for act requiring the county treasurers of organized counties of the Territory of Dakota, to deposit the public moneys in national or local banks,

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on Territorial affairs.

Mr. Bramble introduced Council Bill No. 49, entitled a bill for an act regulating the location and providing for Territorial offices,

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on Territorial affairs.

Mr. McIntyre, by consent, without previous notice, introduced Council Bill No. 50, entitled a bill legalizing the acts of the county commissioners and of the register of deeds of Buffalo county, in leasing J. R. Hanson a ferry charter across the Missouri river,

Read a first and second times, and

On motion of Mr. McIntyre,

The rules were suspended, and under the operation thereof the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative,

Ayes 10; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Stevens and Stutsman.

Those voting in the negative, were

Messrs. Miner and Smith.

Mr. President not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. Mason presented a petition of Good Templars and citizens of Yankton county, which was

On motion of Mr. Stutsman,

Referred to the committee on judiciary.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on judiciary, submitted the following reports:

MR. PRESIDENT:—Your committee on judiciary to whom was referred House File No. 38, entitled a bill for an act to change the name of "Slip-Up" valley to that of Scott valley, report

the same back to the Council, with the recommendation that it do pass.

N. MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 33, it being an act to amend chapter 24 of the session laws of 1868–69, have had the same under deliberation, and do recommend that said bill do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred Council Bill No. 35, it being a bill for an act to repeal chapter first of the laws of 1868–69, entitled an act to establish a code of criminal procedure for Dakota Territory, approved January 12th, 1869, and for other purposes, do most respectfully report that they have had the same under consideration and recommend that said bill do pass.

NELSON MINER,
Chairman.

Mr. Crew, from the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture, to whom was referred House Bill No. 29, it being an act to amend section one (1) of chapter twenty-three (23) of the session laws of 1870–71, have had the same under consideration and would report it back with the recommendation that it do pass.

E. B. CREW,
Chairman.

Mr. Crew, from the committee on finance, submitted the following report:

MR. PRESIDENT:—Your committee on finance, to whom was referred House Bill No. 31, it being an act legalizing the assessment of Minnehaha county for the year 1872, have had the said bill under consideration, and would report it back without recommendation.

E. B. CREW,
Chairman.

Mr. Bramble, from the committee on Indian affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Indian affairs, would report Council Bill No. 46, entitled a memorial to the President of the United States relative to the Pembina band of Chippewa Indians; also

House File No. 32, entitled a bill for an act to appoint deputy county surveyors in the Territory of Dakota, and recommend their passage.

D. T. BRAMBLE,
Chairman.

Mr. Gehon, chairman of the committee on engrossed bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed bills, to whom was referred Council Bill No. 6, entitled a bill for an act relating to conditional sales of personal property, would report the same correctly engrossed.

J. GEHON,
Chairman.

Mr. Stutsman, from the committee on highways, bridges and ferries, submitted the following reports:

MR. PRESIDENT:—Your committee on highways, bridges and ferries, have examined House Bill No. 40, entitled an act to establish a Territorial road in the county of Pembina, D. T., and have agreed to report the same back with the recommendation that the bill do pass.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on highways, bridges and ferries, to whom was referred Council Bill No. 41, entitled a bill for an act to establish and locate a Territorial road from Yankton to Choteau Creek, Dakota Territory; also

Council Bill No. 47, entitled a memorial to Congress asking for an appropriation to remove the obstructions to navigation on the Red River of the North; and also

Council Bill No. 45, entitled a memorial to Congress praying for an appropriation to construct a military wagon road in the valley of the Red River of the North, and have instructed me to report the same back with the recommendation that they do pass.

E. STUTSMAN,
Chairman.

Mr. Miner, from special committee, submitted the following report:

MR. PRESIDENT:—The special committee to whom was referred House File No. 21, entitled a memorial to Congress asking for a geological survey of the Territory of Dakota, would most respectfully report that they have had the same under consideration, and do recommend that the same do pass.

NELSON MINER,
Chairman.

Mr. Bramble in the chair.

The hour designated for the consideration of the special order. viz: Council Bill No. 8, entitled a bill for an act to incorporate the city of Yankton, having arrived,

On motion of Mr. Stutsman,

Its consideration was postponed until Thursday, January 2d, 1873, at half past 10 o'clock A. M.

The hour designated for the consideration of the special order set for 3 o'clock P. M., this day, viz:

Council Bill No. 16, entitled a bill for an act exempting certain property from sale upon execution or other process,

On motion of Mr. Stevens,

Its consideration was postponed until Thursday, January 2d, 1873, at 10 o'clock A. M.

UNFINISHED BUSINESS.

Council Bill No. 28, entitled a bill for an act repealing a portion of the criminal code and to re-enact the justices code of 1865-66,

Read a third time on the 30th inst.,

Was taken up for consideration.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, Gehon, Mason, Miner, Smith, Stevens, Stutsman and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Lawrence and McIntyre.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

BILLS REPORTED FROM COMMITTEES.

House File No. 38, entitled a bill for an act to change the name of "Slip-Up" valley to that of Scott valley, reported back by the committee on judiciary,

Was then taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

Council Bill No. 33, entitled a bill for an act to amend chapter twenty-four of the session laws of 1868-69, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Council Bill No. 35, entitled a bill for an act to repeal chapter first of the laws of 1868-69, entitled an act to establish a code of criminal procedure for Dakota Territory, approved January 12th, 1869, and for other purposes, reported back by the committee on judiciary,

Was taken up for consideration, and

On motion of Mr. Hughes,

Made the special order for January 2d, 1873, at half past 3 o'clock P. M.

House File No. 29, entitled a bill for an act to amend section one (1) of chapter twenty-three (23) of the session laws of 1870-71, reported back by the committee on agriculture,

Was taken up for consideration, and

On motion of Mr. Stutsman,

Recommitted to the committee on agriculture.

House File No. 31, entitled a bill for an act to legalize the assessments of Minnehaha county for the year 1872, reported back by the committee on finance,

Was taken up for consideration, and

On motion of Mr. Gehon,

Committed to the committee on judiciary.

Council Bill No. 46, entitled a memorial to the President of the United States relative to the Pembina band of Chippewa Indians, reported back by the committee on Indian affairs,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Flick voted in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

House File No. 32, entitled a bill for an act to appoint deputy county surveyors in the Territory of Dakota, reported back by the committee on Indian affairs,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

Council Bill No. 6, entitled a bill for an act relating to conditional sales of personal property, reported correctly engrossed,

Was then taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

House File No. 40, entitled a bill for an act to establish a Territorial road in the county of Pembina, D. T., reported back by the committee on highways, bridges and ferries,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

Council Bill No. 41, entitled a bill for an act to establish and locate a Territorial road from Yankton to Choteau Creek, Dakota Territory, reported back by the committee on highways, bridges and ferries,

Was taken up for consideration, and

On motion of Mr. Bramble,

Recommitted to the committee on highways, bridges and ferries.

Council Bill No. 47, entitled a memorial to Congress asking for an appropriation to remove the obstructions to navigation on the Red River of the North, reported back by the committee on highways, bridges and ferries,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr.
President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

Council Bill No. 45, entitled a memorial to Congress pray-
ing for an appropriation to construct a military wagon road
in the valley of the Red River of the North, reported back by
the committee on highways, bridges and ferries,

Was then taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr.
President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

House File No. 21, entitled a memorial to Congress asking
for a geological survey of the Territory of Dakota, reported
back by special committee,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative,

Ayes 12; noes one, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Bramble voted in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

RESOLUTION.

Mr. Stutsman, by consent, submitted the following resolution, which was read, considered and agreed to:

Resolved, That the vote of yesterday, adopting the report of the committee on judiciary, on House Bill No. 4. entitled a bill for an act to amend section one of chapter thirty-three of the session laws of 1870-71, be reconsidered.

Whereupon, Mr. Stevens, from the special committee to whom said bill was referred on the 30th inst., reported it back without recommendation.

Accordingly the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the negative.

Ayes 5; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Cooley, McIntyre, Smith, Stevens and Stutsman.

Those voting in the negative, were

Messrs. Bramble, Crew, Flick, Gehon, Lawrence, Mason, Miner and Mr. President.

So the bill was not passed.

Ordered, That the Secretary acquaint the House therewith.

Mr. Stutsman moved that when the Council adjourn, it adjourn until to-morrow at 9 o'clock A. M.

Which motion was agreed to.

ADJOURNMENT.

On motion of Mr. Stutsman,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

THIRTY-FIRST DAY.

COUNCIL CHAMBER, }
Wednesday, Jan. 1, 1873. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Prayer by the Chaplain.

Mr. Stevens moved that when the Council adjourn, it adjourn until to-morrow at 10 o'clock A. M.

Which motion was agreed to.

ADJOURNMENT.

On motion of Mr. Stevens,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

THIRTY-SECOND DAY.

COUNCIL CHAMBER.
Thursday, Jan. 2, 1873. }

Council met pursuant to adjournment and was called to order by,

Mr. President in the chair.

Prayer by the Chaplain.

Roll called.

Members all present.

On motion of Mr. Bramble,

The reading of the Journals of Dec. 31st 1872, and Jan. 1st, 1873, was dispensed with.

The hour having arrived for the consideration of the special order set for 10 o'clock A. M., this day, the Council resolved itself into the committee of the whole on the special order, to-wit:

Council Bill No. 16, entitled a bill for an act exempting certain property from sales upon execution or other process,

And after some time spent therein, the President resumed the chair, and Mr. Crew reported that the committee having had under consideration the said Council Bill No. 16, had directed him to report the same with sundry amendments, and to recommend their adoption, and that the bill as amended, do pass.

On motion of Mr. Bramble,

The report of the committee was adopted.

On motion of Mr. Stutsman,

Ordered, That the consideration of the special order set for half past 10 o'clock A. M., this day, viz:

Council Bill No. 8, entitled a bill for an act to incorporate the city of Yankton, be dispensed with.

RECESS.

On motion of Mr. Lawrence,

At 12 o'clock M., the Council took recess until 2 o'clock P. M.

AFTER RECESS.

Council met at the hour designated, and was called to order by

Mr. President in the chair.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Gehon,

House File No. 19, entitled a bill for an act to lay out and establish a Territorial road from Canton, Lincoln county, D. T., to Maxwell City, Hutchinson county, D. T.,

Was taken from the table.

On motion of Mr. Gehon,

House File No. 23, entitled a bill for an act to locate and establish a Territorial road from Canton to Bloomingdale, D. T.,

Was taken from the table.

Mr. Flick submitted the following resolution, which was read and considered:

Resolved, That the chair of the presiding officer of this Council be declared vacant.

Mr. Lawrence moved to lay the said resolution on the table.

Which motion was disagreed to.

Whereupon, Mr. McIntyre moved to postpone the further consideration of the matter until to-morrow at half past 2 o'clock P. M.

And the question being put,

The ayes and noes being desired by two members, and ordered,

It was decided in the affirmative.

Ayes 9; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Gehon, McIntyre, Miner, Smith, Stevens and Stutsman.

Those voting in the negative, were

Messrs. Flick, Lawrence and Mason.

So the further consideration of the matter was postponed until to-morrow at half past 2 o'clock P. M.

INTRODUCTION OF BILLS, &C.

Mr. McIntyre, by consent, without previous notice, introduced Council Bill No. 51, entitled a bill for an act to define the duties of road supervisors, and to regulate the opening of roads, construction of bridges, and for other purposes,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on judiciary.

Mr. McIntyre, by consent, without previous notice, introduced Council Bill No. 52, entitled a bill for an act fixing the compensation of printers for publishing all legal notices required by law,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on printing.

Mr. Gehon, by consent, without previous notice, introduced Council Bill No. 53, entitled a bill for an act to amend section two, chapter seventeen of the session laws of 1870-71, and for other purposes,

Read a first and second times, and

On motion of Mr. Flick,

Referred to the committee on judiciary.

Mr. Flick, by consent, without previous notice, introduced Council Bill No. 54, entitled a bill for an act to establish a Territorial road from Rockport, via Wicklow and Flandreau, to the State line of Minnesota,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on highways, bridges and ferries.

Mr. Mason introduced Council Bill No. 55, entitled a bill for an act concerning gambling in Dakota,

Read a first and second times, and

On motion of Mr. Mason,

Referred to the committee on judiciary.

Mr. President presented the petition of certain attorneys of Yankton county, remonstrating against the repeal of the New York code, which was

On motion of Mr. Mason,

Referred to the committee on judiciary.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on judiciary, submitted the following reports:

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 9, it being a bill to amend section 11, of chapter 15, of the statutes of this Territory, approved Jan. 11th, 1865, have the honor to report that they have been unable to find said bill, and therefore ask leave to report back to the Council the printed bill as a substitute with the recommendation that it do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred Council Bill No. 38, it being an act to secure religious societies within this Territory, in the possession of their churches and other property, have had the same under consideration, and recommend that the said bill do pass.

NELSON MINER,
Chairman.

Mr. Crew, from the committee on finance, submitted the following report:

MR. PRESIDENT:—Your committee on finance, to whom was referred Council Bill No. 39, entitled an act relative to paupers, have had the same under consideration, and would respectfully report it back with the recommendation that it do pass.

E. B. CREW,
Chairman.

Mr. Lawrence, from the committee on elections, submitted the following report:

MR. PRESIDENT:—The committee on elections, to whom was referred Council Bill No. 36, an act to amend an act entitled an act providing for elections, and to prescribe the canvass and the return of same, would respectfully report that they have had the same under consideration and herewith report the same back with the recommendation that it do pass.

JOHN LAWRENCE,
Chairman.

Mr. Crew, from the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture, to whom was referred Council Bill No. 40, entitled a bill for an act exempting the counties of Bon Homme and Hutchinson from the effects of the herd law during the winter months, have had the same under consideration, and would respectfully report it back with the recommendation that it do not pass.

E. B. CREW,
Chairman.

Mr. Flick, from the committee on Federal relations, submitted the following reports:

MR. PRESIDENT:—Your committee on Federal relations to whom was referred Council Bill No. 26, a memorial to the Postmaster General of the United States, would respectfully represent that they have duly considered the same and beg leave to insert after the word "on" in the sixth line, (printed bill) "that part of," and would ask that it do pass.

J. D. FLICK,
Chairman.

MR. PRESIDENT:—The committee on Federal relations, to whom was referred House File No. 46, entitled a memorial to the Postmaster General of the United States, and Council Bill No. 37, entitled a memorial to the Postmaster General of the United States, would respectfully report they have had the same under consideration, and would recommend their passage.

J. D. FLICK,
Chairman.

Mr. Stutsman, from the committee on highways, bridges and ferries, submitted the following report:

MR. PRESIDENT:—Your committee on highways, bridges and ferries have to report that they have again considered Council Bill No. 41, entitled a bill for an act to establish and locate a Territorial road from Yankton to Choteau Creek, Dakota Territory, and have instructed me to report the same back, with the recommendation that the bill do pass.

E. STUTSMAN,
Chairman.

Mr. Miner, from the committee on judiciary, submitted the following reports:

MR. PRESIDENT:—Your committee on judiciary to whom was referred House Bill No. 31, entitled a bill for an act legalizing the official acts of O. Walker, Assessor of Minnehaha county, have had the same under consideration, and would recommend that it do not pass.

N. MINER,
Chairman.

Mr. Cooley, from select committee, submitted the following report:

MR. PRESIDENT:—Your select committee, to whom was referred Council Bill No. 34, a bill for an act to establish a Territorial road from Sioux Falls to Fort Thompson, &c., beg leave to report that they have had said bill under careful consideration, and report the same back to the Council with the recommendation that the bill do pass.

H. P. COOLEY,
J. D. FLICK,
J. GEHON.

UNFINISHED BUSINESS.

House File No. 19, entitled a bill for an act to lay out and establish a Territorial road from Canton, Lincoln county, D. T., to Maxwell City, Hutchinson county, D. T.,

Taken from the table this day,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 23, entitled a bill for an act to locate and establish a Territorial road from Canton to Bloomingdale, D. T.,

Taken from the table this day,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

Council Bill No. 8, entitled a bill for an act to incorporate the city of Yankton,

Was taken up for consideration.

Whereupon, after sundry amendments thereto having been adopted,

On motion of Mr. Bramble,

The bill was considered engrossed, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

The hour having arrived for the consideration of the special order set for 3 o'clock P. M., this day, the Council resolved itself into the committee of the whole on the special order;

And after some time spent therein, the President resumed the chair, and Mr. Bramble reported that the committee having, according to order, had Council Bill No. 22, entitled a bill for an act to codify and simplify the practice, pleadings and proceedings of the courts of this Territory, under consideration, have directed him to report the same, with the recommendation that it do pass.

Whereupon, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 7; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, Gehon, Miner, Smith and Stevens.

Those voting in the negative, were

Messrs. Bramble, Lawrence, Mason, Stutsman and Mr. President.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

The hour having arrived designated for the consideration of the special order set for half past 3 o'clock P. M., this day, viz:

Council Bill No. 35, entitled a bill for an act to repeal chapter first of the laws of 1868-69, entitled an act to estab-

lish a code of criminal procedure for Dakota Territory, approved January 12th, 1869, and for other purposes.

On motion of Mr. Bramble,

Ordered, That the consideration of said special order be dispensed with.

Whereupon, the said bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 8; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, Miner and Stevens.

Those voting in the negative, were

Messrs. Lawrence, McIntyre, Smith, Stutsman and Mr. President.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }
Thursday, Jan. 2, 1873. }

MR. PRESIDENT:—I am instructed to inform you that the House did, on the 31st ult., pass House Bill No. 7, (substitute) a bill for an act reorganizing the bureau of immigration for the Territory of Dakota; also

House Bill No. 53, a bill for an act to organize certain counties in the Territory of Dakota, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

C. F. MALLAHAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Thursday, Jan. 2, 1873. }

MR. PRESIDENT:—The House did on the 30th ult. pass House Bill No. 35, a bill for an act to establish the boundaries of certain counties in this Territory, which bill is herewith transmitted, and the concurrence of the Council respectfully requested therein.

The House did on the 31st ult., pass Council Bills as follows:

Council Bill No. 18, a bill for an act defining the boundaries of Pembina county, and creating new counties, with attached amendment;

Council Bill No. 33, a bill for an act to amend chapter 24 of the session laws of 1868-69, which bills are with returned; also

That the House did on the same day concur in Council amendment to House Bill No. 13, an act to amend an act of chapter one of the special laws of 1870-71.

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said Council Bill be enrolled.

Council Bill No. 18, entitled a bill for an act defining the boundaries of Pembina county, and creating new counties, returned from the House with amendment thereto,

Was taken up for consideration, whereupon,

On motion of Mr. Stutsman,

The amendment was concurred in.

Ordered, That said bill be enrolled.

FIRST READING OF HOUSE FILES.

House File No. 35, entitled a bill for an act to establish the boundaries of certain counties in this Territory,

Was taken up, and

Read a first and second times, and

On motion of Mr. Cooley,

Referred to the committee on counties.

House Bill No. 7, (substitute) entitled a bill for an act reorganizing the bureau of immigration for Dakota Territory,

Was taken up, and

Read a first and second times, and

On motion of Mr. Mason,
Referred to the committee on judiciary.

House File No. 53, entitled a bill for an act to organize certain counties in the Territory of Dakota,

Was taken up, and
Read a first and second times, and
On motion of Mr. Stutsman,
Referred to the committee on counties.

BILLS REPORTED BY COMMITTEES.

Council Bill No. 9, (printed substitute) entitled a bill for an act to amend section 11 of chapter 15, of the statutes of this Territory, approved Jan. 11th, 1865, reported by the committee on judiciary,

Was taken up for consideration, and
On motion of Mr. McIntyre,
The report of the committee was adopted.

Whereupon, the bill was
Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes one, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Stevens, Stutsman and Mr. President.

Mr. Smith voted in the negative.

So the bill was passed.

The question then being on agreeing to its title,
And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Council Bill No. 38, entitled a bill for an act to secure religious societies within this Territory, in the possession of their churches, and other property, reported back by the committee on judiciary,

Was taken up, and
Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the negative.

Ayes 5; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Flick, Mason, Miner and Stutsman.

Those voting in the negative, were

Messrs. Bramble, Crew, McIntyre, Smith, Stevens and Mr. President.

Messrs. Gehon and Lawrence were excused from voting.

So the bill was not passed.

Council Bill No. 39, entitled a bill for an act relative to paupers, reported back by the committee on finance,

Was then taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative,

Ayes 10; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Crew, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens and Mr. President.

Those voting in the negative, were

Messrs. Cooley, Flick and Stutsman.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Council Bill No. 36, entitled an act to amend an act entitled an act providing for elections and to prescribe the canvass and the return of the same, reported back by the committee on elections,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass?"

It was decided in the affirmative.

Ayes 9; noes 3, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Crew, Gehon, Lawrence, Mason,
Miner, Smith and Stevens.

Those voting in the negative, were
Messrs. Flick, Stutsman and Mr. President.
Mr. McIntyre not voting.

So the bill was passed.

The question then being on agreeing to its title,
And it being put,
The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

Council Bill No. 40, entitled a bill for an act exempting the
counties of Bon Homme and Hutchinson from the effects of
the herd law during the winter months, reported back by the
committee on agriculture,

Was taken up, and
Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 11; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Gehon, Lawrence, McIn-
tyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Those voting in the negative, were
Messrs. Crew and Mason.

So the bill was passed.

The question then being on agreeing to its title,
And it being put,
The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

Council Bill No. 26, entitled a memorial to the Postmaster
General of the United States, reported back by the committee
on Federal relations, with amendment,

Was taken up for consideration, and
On motion of Mr. Flick,

The report of the committee was adopted.
Accordingly, on motion of Mr. Flick,

The bill was considered engrossed, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr.
President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

House File No. 46, entitled a memorial to the Postmaster
General praying that service may be put upon the entire route
from Yankton to the Northern Pacific Railroad, reported back
by the committee on Federal relations,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr.
President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title, and it be-
ing put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

Council Bill No. 37, entitled a memorial to the Postmaster
General of the United States, reported back by the committee
on Federal relations,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr.
President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

Council Bill No. 41, entitled a bill for an act to establish
and locate a Territorial road from Yankton to Choteau Creek,
Dakota Territory, reported back by the committee on high-
ways, bridges and ferries,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass?"

It was decided in the negative.

Ayes 4; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Flick, Smith and Stutsman.

Those voting in the negative, were

Messrs. Bramble, Crew, Lawrence, Mason, McIntyre, Miner,
Stevens and Mr. President.

Mr. Gehon was excused from voting.

So the bill was not passed.

House File No. 31, entitled a bill for an act legalizing the
official acts of O. Walker, Assessor of Minnehaha county,
reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 9; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Flick, Gehon, Lawrence, Mason, McIntyre,
Stevens, Stutsman and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Crew, Miner and Smith.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

Council Bill No. 34, entitled a bill for an act to establish a
Territorial road from Sioux Falls to Fort Thompson, &c., re-
ported back by special committee,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 12; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Mason voted in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on enrolled bills, submit-
ted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have
examined House Bill No. 28, entitled an act to establish a
Territorial road from Yankton via Medary, in Brookings
county; and

House Bill No. 13, entitled an act to amend chapter one of the special laws of 1870-71, and find the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 18, entitled an act defining the boundaries of Pembina county, and creating new counties, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

ADJOURNMENT.

On motion of Mr. Lawrence,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

THIRTY-THIRD DAY.

COUNCIL CHAMBER. }
Friday, Jan. 3, 1873. }

Council met pursuant to adjournment and was called to order by,
Mr. President in the chair.

Prayer by the Chaplain.

Roll called.

Members all present.

On motion of Mr. Stutsman,

The reading of yesterday's Journal was dispensed with.

MOTIONS AND RESOLUTIONS.

Mr. Miner submitted the following resolution, which was read, considered and agreed to:

Resolved, That the Commissioner of Immigration for the Territory of Dakota, be requested, at his earliest convenience, to furnish the Council with an itemized account, as far as he can do so, of the amount he has expended during the last two years of the annual appropriation of five hundred dollars, making one thousand dollars for the last two years, which sum was to be disbursed by him; and also a statement of how much of said one thousand dollars remain unexpended, if any.

INTRODUCTION OF BILLS.

Mr. Flick, by consent, without previous notice, introduced Council Bill No. 56, entitled a memorial to the Postmaster General of the United States, praying that mail service on that part of route No. 3902 (from Yankton to Fort Randall, D. T.,) be increased to six times a week,

Read a first and second times, and

On motion of Mr. Bramble,

The rules were suspended and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on judiciary, submitted the following report:

MR. PRESIDENT:—The committee on judiciary have had under consideration House File No. 30, it being an act relative to interest, and recommend that the same do not pass.

NELSON MINER,
Chairman.

Mr. Stutsman, from the committee on Territorial affairs, submitted the following reports:

MR. PRESIDENT:—Your committee on Territorial affairs have considered Council Bill No. 49, a bill for an act regulating the location, and providing for Territorial offices, and report the same back with the recommendation that it do pass.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on Territorial affairs have had under consideration Council Bill No. 48, entitled a bill for act an requiring the county treasurers of organized counties of the Territory of Dakota, to deposit the public moneys in national or local banks, and after mature deliberation, your said committee are of the opinion that the law already affords all necessary requirements—in that it requires from each county treasurer a good and sufficient bond to cover all the funds that may come into his hands by virtue of his office; wherefore your committee reports said bill back to the Council, with the recommendation that it do not pass.

E. STUTSMAN,
Chairman.

Mr. Stevens, from the committee on Grand Trunk Railway, submitted the following report:

MR. PRESIDENT:—A majority of your committee on the Grand Trunk Railroad, have to report that we have carefully, and on several occasions, considered House Bill No. 26, entitled a memorial to the Congress of the United States pray-

ing for a grant of lands in Dakota Territory, to aid in the construction of the Dakota Grand Trunk Railway, and after hearing the arguments *pro* and *con.*, we have agreed to report the memorial back with the recommendation that the same do pass.

Q. F. STEVENS,
E. STUTSMAN,
J. GEHON.
H. P. COOLEY,
NELSON MINER.

Mr. McIntyre, from special committee, submitted the following report:

MR. PRESIDENT:—The special committee to whom was referred Council Bill No. 10, it being a bill to establish a system of township government for the Territory of Dakota, most respectfully represent that they have carefully examined the same, and recommend that the same be amended as follows, to-wit:

1st. Strike out the words “disposed of as other fractions” in the fourth line of section 2, and insert in lieu thereof, the words “attached to other townships;

2nd. Also strike out the words “fraction of a” in the first line of said section;

3d. Section 11 stricken out;

4th. Section 52, the words “three months” stricken out, and words “twenty days” placed in lieu thereof;

5th. Section 58, the word “Territory” stricken out, and word “county” substituted therefor;

6th. Section 69 stricken out;

7th. Section 97 stricken out;

8th. Section 100, in third line, subdivision 4, the word “eight” substituted for the word “nine.”

With the above amendments, would respectfully request that it do pass.

C. H. MCINTYRE,
Chairman.

The hour having arrived for the consideration of the resolution submitted by Mr. Flick on the 2d inst., relative to vacating the chair of the presiding officer of this Council,

On motion of Mr. Stevens,

Its consideration was postponed until Saturday, January 4th, 1873, at half past 2 o'clock P. M.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }
Yankton, Jan. 3, 1873. }

MR. PRESIDENT:—I am directed to inform you that the House did, on yesterday, pass House Bill No. 56, a bill for an act to amend chapter 3 of title four, of the civil code, approved Jan. 12, 1866; also

That the House did, on this day, pass House Bill No. 47, a bill for memorial to the Congress of the United States, praying for an appropriation to aid in establishing and constructing a wagon road from Rockport, in Hanson county, D. T., to Jamestown, on the Northern Pacific Railroad, D. T., which bills are herewith transmitted and the concurrence of the Council respectfully asked therein.

C. F. MALLAHAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Friday, Jan. 3, 1873. }

MR. PRESIDENT:—The House did on the 3d inst., pass House Bills, as follows:

No. 36, a bill for an act to establish a Territorial road from Yankton to Rockport, in Hanson county;

No. 33, a bill for an act to encourage the growth of timber and trees along section line roads;

No. 37, a bill for an act to provide for the revision of the general laws of Dakota Territory;

No. 44, a memorial to Congress asking for the location of a Land Office in the Sioux Valley;

No. 45, a bill for an act relating to dower; and

No. 59, a memorial to the Postmaster General of the United States, praying that service be ordered once a week on mail route No. —, between Medary, Brookings county, D. T., and Marshfield, State of Minnesota; also

That the House did on the 2d inst., pass House Bills, as follows:

No. 24, a bill for an act to prohibit the sale or giving away of liquors on any election day;

No. 48, a bill for an act to lay out and establish a Territorial road from Springfield, Bon Homme county, to Firesteel, Hanson county, D. T.;

No. 49, a bill for an act to create three commissioner districts in Bon Homme county;

No. 51, a bill for an act to punish adultery;

No. 50, a memorial to the Congress of the United States, asking that the valuable land lying west of the Missouri river, may be opened to settlements, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

The House also did on the 2d inst., pass Council Bills, as follows:

No. 12, a bill for an act regulating the payment of promissory notes and bills of exchange;

No. 24, a bill for an act relative to sureties;

No. 30, a memorial to the Congress of the United States, praying for the speedy and final settlement of all citizen's claims on the Fort Randall military reservation,

No. 31, a bill for an act to increase the compensation of probate judge and county treasurer in certain cases;

No. 45, a memorial to Congress praying for an appropriation to construct a military wagon road in the valley of the Red River of the North;

No. 46, a memorial to the President of the United States, relative to the Pembina band of Chippewa Indians;

No. 47, a memorial to Congress asking for an appropriation to remove the obstructions to navigation on the Red River of the North; also-

The House did this day, pass Council Bill No. 19, a memorial to the Congress of the United States, praying for an appropriation to aid in the construction of bridges across the Dakota river, in the Territory of Dakota;

No. 27, a bill for an act creating new counties and defining their boundaries, with the following amendment: Strike out

section 17, 18 and 19, and the concurrence of the Council in the amendment is respectfully requested.

No. 28, a bill for an act repealing a portion of the criminal code, and to re-enact the justice code of 1865-66;

No. 29, a bill for an act to provide a synoptical index to all the laws in force in Dakota Territory, which bills are respectfully returned.

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said Council Bills Nos. 12, 24, 30, 31, 45, 46, 47, 19, 28 and 29 be enrolled.

FIRST READING OF HOUSE FILES.

House File No. 36, entitled a bill for an act to establish a Territorial road from Yankton to Rockport, in Hanson county,

Was taken up, and

Read a first and second times, and

On motion of Mr. Lawrence,

Referred to the committee on highways, bridges and ferries.

House File No. 33, entitled a bill for an act to encourage the growth of timber and trees along section line roads,

Was taken up, and

Read a first and second times, and

On motion of Mr. Gehon,

Referred to the committee on agriculture.

House File No. 37, entitled a bill for an act to provide for the revision of the general laws of Dakota Territory,

Was taken up, and

Read a first and second times, and

On motion of Mr. Mason,

Referred to the committee on judiciary.

House File No. 44, entitled a memorial to Congress, asking for the location of a Land Office in the Sioux Valley,

Was taken up, and

Read a first and second times, and

On motion of Mr. Miner,

Referred to the committee on public lands.

House File No. 45, entitled a bill for an act relating to dower,

Was taken up, and
Read a first and second times, and
On motion of Mr. Crew,
Referred to the committee on judiciary.

House File No. 59, entitled a memorial to the Postmaster General of the United States, praying that service be ordered once a week on route No. —, between Medary, Brookings county, D. T., and Marshfield, State of Minnesota,

Was taken up, and
Read a first and second times, and
On motion of Mr. Miner,
The rules were suspended and under the operation thereof,
the bill was

Read a third time.

The question then being on its passage, and it being put,
“shall the bill pass,”

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were
Messrs. Cooley, Crew, Flick, Gehon, Lawrence, Mason,
McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

Mr. Bramble not voting.

So the bill was passed.

The question then being on agreeing to its title,
And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House Bill No. 24, entitled a bill for an act to prohibit the sale or giving away of liquor on any election day,

Was then taken up, and
Read a first and second times, and
On motion of Mr. Mason,
Referred to the committee on judiciary.

House File No. 48, entitled a bill for an act to lay out and establish a Territorial road from Springfield, Bon Homme county, to Firesteel, Hanson county, D. T.,

Was taken up and
Read a first and second times, and

On motion of Mr. Stutsman,
Referred to a special committee, consisting of Mr. Cooley.
House File No. 50, entitled a memorial to the Congress of the United States, asking that the valuable land lying west of the Missouri river, may be opened to settlement,

Was taken up, and

Read a first and second times, and

On motion of Mr. McIntyre,

The rules were suspended, and under the operation thereof the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 51, entitled a bill for an act to punish adultery,

Was then taken up, and

Read a first and second times, and

On motion of Mr. Stevens,

Referred to the committee on highways, bridges and ferries.

House File No. 56, entitled a bill for an act to amend chapter 3 of title four of the civil code, approved Jan. 12th, 1866,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on judiciary.

House File No. 47, entitled a memorial to the Congress of the United States, praying for an appropriation to aid in establishing and constructing a wagon road from Rockport, in

Hanson county, D. T., to Jamestown, on the Northern Pacific Railroad, D. T.,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on Federal relations.

Council Bill No. 27, entitled a bill for an act creating new counties, and defining their boundaries, returned from the House with amendment attached,

Was taken up for consideration, and

On motion of Mr. Stutsman,

The amendment was concurred in.

Ordered, That said bill be enrolled.

BILLS REPORTED BY COMMITTEES.

House File No. 30, entitled a bill for an act in relation to judgments and foreclosure of mortgages, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the negative.

Ayes 1; noes 12, as follows:

Mr. Lawrence voted in the affirmative.

Those voting in the negative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

So the bill was not passed.

Council Bill No. 49, entitled a bill for an act regulating the location, and providing for Territorial offices, reported back by the committee on Territorial affairs,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the negative.

Ayes 5; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Flick, Lawrence, McIntyre and Stutsman.

Those voting in the negative, were

Messrs. Cooley, Crew, Gehon, Mason, Miner, Smith, Stevens and Mr. President.

So the bill was not passed.

Council Bill No. 48, entitled a bill for an act requiring the county treasurers of organized counties of the Territory of Dakota, to deposit the public moneys in national or local banks, reported back by the committee on Territorial affairs,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the negative.

Ayes 1; noes 11, as follows:

Mr. Lawrence voted in the affirmative.

Those voting in the negative, were

Messrs. Cooley, Crew, Flick, Gehon, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Bramble not voting.

So the bill was not passed.

House File No. 26, entitled a memorial to the Congress of the United States, praying for a grant of lands in Dakota Territory, to aid in construction of the Grand Trunk Railway, reported back by the committee on Grand Trunk Railway,

Was taken up for consideration.

Whereupon, Mr. Bramble submitted the following amendment.

Which was agreed to.

Insert after the word ———, in line ———, section ———, the following, to-wit:

"With the exception of the James or Dakota river branch, which being occupied since the 25th day of January, 1870, by the Dakota Central Railroad Company, a legal corporation in this Territory, having eighty miles surveyed, we would therefore ask that said Dakota Central Railroad Company have a grant of lands along their line to their junction with the Northern Pacific Railroad."

Accordingly the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 12; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens and Mr. President.

Mr. Stutsman voted in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in said amendment.

Mr. Bramble moved that the vote by which the said bill was passed, be reconsidered; and moved also that the motion to reconsider be laid on the table.

Which latter motion was disagreed to.

Council Bill No. 10, entitled a bill for an act to organize a system of township government for the Territory of Dakota, reported back by special committee, with amendments,

Was taken up for consideration, and

On motion of Mr. Miner,

The report of the committee was adopted, and

On motion of Mr. McIntyre,

The bill was considered engrossed, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 7; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, McIntyre, Miner, Stevens and Mr. President.

Those voting in the negative, were

Messrs. Lawrence, Mason, Smith and Stutsman.

Messrs. Bramble and Gehon not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 33, entitled an act to amend chapter 24, of the session laws of 1868–69, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 27, entitled an act creating new counties and defining their boundaries, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bill No. 12, entitled an act relating to the establishment of road districts in Union county, and for other purposes; also.

House Bill No. 33, entitled an act to amend chapter 24 of the session laws of 1868–69; and also

House File No. 40, entitled an act to lay out and establish a Territorial road from Pembina to St. Joseph, in Pembina county, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bill No. 32, entitled an act to appoint deputy county surveyors in the Territory of Dakota; and also

House Bill No. 38, entitled an act to change the name of "Slip-Up" valley to that of Scott valley, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

RESOLUTION.

Mr. Bramble, by consent, submitted the following resolution, which was read, considered and agreed to:

Resolved, That this Chamber be tendered for the use of the ladies of the M. E. Church, for a festival on the evening of the 9th inst.

REPORT OF COMMITTEE.

Mr. Miner, by consent, from the committee on judiciary, submitted the following report:

MR. PRESIDENT:—The committee on judiciary, to whom was referred House File No. 20, relative to a term of court in Turner county, have had the same under consideration, and report the same back to the Council with the recommendation that said bill do pass.

NELSON MINER,
Chairman.

Whereupon, the said House File No. 20, entitled a bill for an act providing for a term of the district court in the county of Turner.

Was taken up, and
Read a third time.

The question then being on its passage. and it being put,
“shall the bill pass,”

It was decided in the affirmative,

Ayes 11; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, Gehon, Lawrence, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Mason voted in the negative.

Mr. Bramble not voting.

So the bill was passed.

The question then being on agreeing to its title, and it being put.

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

ADJOURNMENT.

On motion of Mr. Bramble,
The Council adjourned.

ALEXANDER HUGHES.

Attest:

President.

GEO. I. FOSTER.

Secretary.

THIRTY-FOURTH DAY.

COUNCIL CHAMBER. }
Saturday, Jan. 4, 1873. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Roll called.

Members all present.

On motion of Mr. Bramble,

The reading of the Journal of yesterday was dispensed with.

INTRODUCTION OF BILLS.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 57, entitled a bill to enable organized counties, towns, cities and townships to vote aid to any railroad, and to provide for the payment of the same,

Read a first and second times, and

On motion of Mr. Bramble,

Referred to a special committee of one member from each district.

The chair appointed as such committee,

Messrs. Bramble, Stutsman, Mason, Smith, Gehon, Cooley and Flick.

Mr. Crew, by consent, without previous notice, introduced Council Bill No. 58, entitled a memorial asking that Yankton be made a point for supplies for the Government,

Read a first and second times, and

On motion of Mr. Bramble,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr.
President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith
and request concurrence therein.

Mr. Gehon presented the petition of citizens of Minnehaha
county, remonstrating against the division of said county,

Which was read, and laid on the table.

Mr. Mason presented the petition of citizens of Minnehaha
county, asking that said county be divided,

Which was read, and laid on the table.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

MR. PRESIDENT:—I am instructed to inform your honorable
body that the House has this day refused to concur in
the amendments to House File No. 26, a memorial to the Con-
gress of the United States, praying for a grant of land in Da-
kota Territory to aid in the construction of the Dakota Grand
Trunk Railway.

C. B. VALENTINE,

Chief Clerk, pro tem.

Mr. Stutsman moved that the Council recede from its
amendment to said House File No. 26,

Whereupon, Mr. Bramble moved to lay the motion of Mr.
Stutsman, to recede, upon the table.

And the question being put,

The ayes and noes being desired by two members, and or-
dered,

It was decided in the negative.

Ayes 5; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Flick, Lawrence, Mason and Smith.

Those voting in the negative, were

Messrs. Cooley, Crew, Gehon, McIntyre, Miner, Stevens, Stutsman and Mr. President.

So the motion to lay on the table was disagreed to.

The question then recurring on the motion of Mr. Stutsman to recede,

And it being put, it was agreed to.

So the Council receded from its amendment to said House File No. 26.

Ordered, That the Secretary acquaint the House therewith.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on judiciary, submitted the following reports:

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 32, being an act to amend chapter 25 of the session laws of 1868-69, have had the same under consideration, and report the same back to the Council with the recommendation that it do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred House File No. 5, it being an act relative to changing county seats, and after examining said subject, do find that in their opinion, the law as now in force, is preferable, they therefore report said bill back to the Council, with the recommendation that it do not pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary to whom was referred House File No. 40, it being an act to legalize the actions of certain person, have had the same under consideration, and recommend that the same do not pass.

NELSON MINER,
Chairman.

Mr. Mason, from the committee on counties, submitted the following reports:

MR. PRESIDENT:—Your committee on counties, to whom was referred House File No. 53, an act to organize certain counties in the Territory of Dakota, have had the same under consideration, and herewith report the same back with the following amendment, and recommend its passage as amended:

Add to Section 2, the following: "And the county commissioners are hereby authorized to locate the county seat."

MR. PRESIDENT:—A majority of your committee on counties to whom was referred House File No. 35, an act to establish the boundaries of certain counties in the Territory, have had the same under consideration, and would respectfully report the same back with the recommendation that the bill do pass.

JAS. MASON,
Chairman.

Mr. Crew, from the committee on agriculture, submitted the following reports:

MR. PRESIDENT:—Your committee on agriculture, to whom was recommitted House Bill No. 29, entitled a bill for an act to amend section (1) of chapter twenty-three (23) of the session laws of 1870-71, have had the same under consideration, and would report the same back with the recommendation that it do pass.

E. B. CREW,
Chairman.

MR. PRESIDENT:—Your committee on agriculture, to whom was referred Council Bill No. 25, entitled a bill for an act in relation to estrays, unclaimed property, and beasts doing damage, have had the same under consideration, and would respectfully report the same back with the recommendation that it do not pass.

E. B. CREW,
Chairman.

Mr. Stutsman, from the committee on highways, bridges and ferries, submitted the following reports:

MR. PRESIDENT:—Your committee on highways, bridges and ferries have duly considered Council Bill No. 54, entitled

a bill for an act to locate and establish a Territorial road from Rockport via Wicklow and Flandreau, to the State line of Minnesota; and also

House Bill No. 36, entitled a bill for an act to establish a Territorial road from Yankton to Rockport, in Hanson county, and report the same back with the recommendation that said bills do pass.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on highways, bridges and ferries, to whom was very appropriately referred House Bill No. 51, entitled a bill for an act to punish adultery, have given said bill our careful consideration, and your committee deeming it advisable that stringent laws should of right be enacted, providing suitable punishment for the crime of adultery, in order that if possible to render adultery odious in even this adulterous age; therefore your committee recommend that the said bill do pass.

E. STUTSMAN,
Chairman.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have to report that on this day, at 11 o'clock A. M., they did hand to his excellency, the Governor, Council Bill No. 18, entitled an act defining the boundaries of Pembina county, and creating new counties; also

Council Bill No. 27, entitled an act creating new counties, and defining their boundaries; and also

Council Bill No. 33, entitled an act to amend chapter 24 of the session laws of 1868-69.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 24, entitled an act relative to sureties; and also

Council Bill No. 29, entitled an act to provide for a synoptical index to all the laws in force in Dakota Territory, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 19, entitled a memorial to the Congress of the United States, praying for an appropriation to aid in the construction of bridges across the Dakota river, in the Territory of Dakota; also

Council Bill No. 28, entitled an act repealing a portion of the criminal code, and to re-enact the justices code of 1865-66; also

Council Bill No. 46, entitled a memorial to the President of the United States, relative to the Pembina band of Chippewa Indians; also

Council Bill No. 45, entitled a memorial to Congress praying for an appropriation to construct a military wagon road in the valley of the Red River of the North; also

Council Bill No. 47, entitled a memorial to Congress asking for an appropriation to remove the obstructions to navigation on the Red River of the North; also

Council Bill No. 31, entitled an act to increase the compensation of the probate judge and county treasurer in certain cases;

Council Bill No. 12, entitled an act regulating the payment of promissory notes and bills of exchange; also

Council Bill No. 30, entitled a memorial to the Congress of the United States, praying for the speedy and final settlement of all citizen's claims on the Fort Randall military reservation, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have to report that on this day, at 2½ o'clock P. M., they did deliver to his excellency, the Governor, for his action thereon, the following Council Bills, to-wit: Nos. 12, 19, 28, 29, 24, 30, 31, 45, 46 and 47.

E. STUTSMAN,
Chairman.

Mr. McIntyre, from the committee on immigration, submitted the following report:

MR. PRESIDENT:—Your committee on immigration, to whom was referred the petition of Frank Bem, asking for \$747 for

services as commissioner of immigration for the Territory of Dakota, would report the same back with the following amendment:

“In lieu of \$747, insert one hundred dollars to be paid to the said Frank Bem, upon his signing a receipt in full to date, for all services rendered as commissioner of immigration for this Territory.”

C. H. McINTYRE,
H. SMITH.

CONSIDERATION OF THE GENERAL FILE OF BILLS.

Council Bill No. 32, entitled a bill for an act to amend chapter 25 of the session laws of 1868-69, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
“shall the bill pass,”

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith and request concurrence therein.

House File No. 5, entitled a bill for an act to amend section 47, chapter 4, of the session laws of 1868-69, reported back by the committee on judiciary,

Was taken up for consideration.

Whereupon, Mr. Stutsman submitted the following amendment thereto:

Provided, That after the location of the county seat of any county by a vote of the people thereof, under the provisions of this act, then it shall require a two-thirds vote of such county to relocate the county seat thereof.

Mr. Lawrence moved to postpone the further consideration of the subject matter until Wednesday, January 8, at 3 o'clock P. M.

And the question being put,

The ayes and noes being desired by two members, and ordered,

It was decided in the affirmative.

Ayes 8; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Gehon, Lawrence, Mason, Miner and Mr. President.

Those voting in the negative, were

Messrs. Crew, McIntyre, Smith, Stevens and Stutsman.

So the further consideration of the subject matter was postponed until Wednesday, January 8, at 3 o'clock P. M.

House File No. 41, entitled a bill for an act to legalize the acts of the county commissioners of Bon Homme and Hutchinson counties, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the negative.

Ayes none; noes 13, as follows:

None voting in the affirmative.

Those voting in the negative, were

Messrs. Bramble; Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

So the bill was not passed.

House File No. 35, entitled a bill for an act to establish the boundaries of certain counties in this Territory, reported back by the committee on counties,

Was taken up for consideration.

Whereupon, Mr. Gehon submitted the following amendment thereto.

Which was agreed to.

That Section 6 be amended by striking out the word "Adair" and substituting that of "Hamlin."

On motion of Mr. Stutsman,

The said bill was made the special order for half past 2 o'clock P. M., on Monday, January 6th.

House File No. 53, entitled a bill for an act to organize certain counties in the Territory of Dakota, reported back by the committee on counties, with amendment,

Was taken up for consideration, and

On motion of Mr. Stutsman,

Made a special order to be considered at same time as House File No. 35.

House File No. 29, entitled a bill for an act to amend section (1) of chapter (23) of the session laws of 1870-71, reported back by the committee on agriculture,

Was taken up for consideration.

Whereupon, Mr. Stutsman submitted the following amendments thereto,

Which were agreed to.

Amend House Bill No. 29, as follows: At the bottom of section 1, add the following words:

"Provided, however, That the county of Pembina shall, and is hereby exempted from the provisions of this bill; and also the act to which it is amendatory."

Amend House File No. 29, as follows:

"Provided, further, That the provisions of this act shall extend only to the 2d and 6th Council Districts, and to no other portion of this Territory."

Accordingly the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, Gehon, Lawrence, Mason, Miner, Smith, Stevens and Stutsman.

Mr. Bramble voted in the negative.

Mr. McIntyre and Mr. President not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in said amendment.

Mr. Bramble moved that the vote by which said House File No. 29 was passed, be reconsidered; and moved also that the motion to reconsider be laid on the table.

Which latter motion was agreed to.

Council Bill No. 25, entitled a bill for an act in relation to estrays, unclaimed property, and beasts doing damage, reported back by the committee on agriculture,

Was taken up for consideration, and

On motion of Mr. McIntyre,

Laid on the table.

Mr. Bramble moved to reconsider the vote last taken; and moved also to lay the motion to reconsider on the table.

Which latter motion was agreed to.

Council Bill No. 54, entitled a bill for an act to locate and establish a Territorial road from Rockport via Wicklow and Flandreau, to the State line of Minnesota, reported back by the committee on highways, bridges and ferries,

Was taken up and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative,

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

House File No. 36, entitled a bill for an act to establish a Territorial road from Yankton to Rockport, in Hanson county, reported back by the committee on highways, bridges and ferries,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 12; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, Gehon, Lawrence, Mason,
McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Bramble voted in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 51, entitled a bill for an act to punish adultery, reported back by the committee on highways, bridges and ferries,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 8; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Crew, Flick, Mason, McIntyre, Miner, Smith, Stevens and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Cooley, Lawrence and Stutsman.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

The petition of Frank Bem, relative to compensation as commissioner of immigration, reported back by the committee on immigration,

Was taken up for consideration, and

On motion of Mr. Bramble,

Recommitted to said committee, with instructions to report by bill or otherwise.

On motion of Mr. Miner,

Council Bill No. 23, entitled a bill for an act relative to costs in criminal cases before justices of the peace,

Was taken from the table.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bill No. 26, entitled a memorial to the Congress of the United States, praying for a grant of land in Dakota Territory to aid in the construction of the Dakota Grand Trunk Railway, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }
Yankton, Jan. 4, 1873. }

MR. PRESIDENT:—I am directed to inform you that the House did, on yesterday, pass House Bill No. 34, a bill for an act to establish a code of civil procedure, approved May, 1862; also to amend an act to simplify and abridge the practice, pleading and proceedings of the courts of this Territory; and

No. 55, a memorial to the Postmaster General of the United States, praying that the mail service on route No. —, from Sioux Falls to Medary, Dakota Territory, be increased; which bills are herewith transmitted and the concurrence of the Council respectfully requested therein; and

That the House did on the same day pass Council Bills, as follows:

No. 6, a bill for an act relating to conditional sales of personal property; and

No. 13, a bill for an act relating to the proof, acknowledgment and recording of deeds, mortgages and other instru-

ments in writing, which bills are herewith respectfully returned; also

That the House did, on the same day, amend and pass as amended, Council Bill No. 8, a bill for an act to incorporate the city of Yankton, which bill is herewith returned, and the concurrence of the Council respectfully asked in the said amendment; also

That the House did, on the same day, indefinitely postpone Council Bill No. 15, a bill for an act exempting the counties of Charles Mix and Buffalo from the effects of the herd law.

C. B. VALENTINE,
Chief Clerk, pro tem.

HOUSE OF REPRESENTATIVES,
Yankton, Jan. 4. 1873.

MR. PRESIDENT:—I am directed to inform you that the House has this day passed House Bill No. 64, a bill for an act defining the boundaries and naming counties west of the Missouri river, which bill is herewith transmitted and the concurrence of the Council respectfully requested therein; also

That it has this day passed Council Bill No. 26, a memorial to the Postmaster General of the United States, praying that mail service on route No. —, from Yankton to Sioux Falls, Dakota Territory, be increased to six times a week; and

Council Bill No. 39, a bill for an act relative to paupers, which bills are herewith respectfully returned; also

That the House has this day indefinitely postponed Council Bill No. 22, a bill for an act to codify and simplify the practice, pleadings and proceedings of the courts of this Territory; also

Council Bill No. 40, a bill for an act exempting the counties of Bon Homme and Hutchinson from the effects of the herd law during the winter months.

C. B. VALENTINE,
Chief Clerk, pro tem.

Ordered, That said Council Bills Nos. 6, 13, 26 and 39 be enrolled.

COMMUNICATION.

Mr. President presented the following communication from the Commissioner of Immigration:

OFFICE COMMISSIONER OF IMMIGRATION,
Yankton, D. T., Jan. 5, 1873. }

HON. A. HUGHES,

President of the Council:

I transmit herewith an itemized statement of the expenditures of the Commissioner of Immigration for the years 1871-72, as per request of the Council.

Respectfully,

JAMES S. FOSTER,

Commissioner.

STATEMENT OF EXPENDITURES OF THE COMMISSIONER OF IMMIGRATION FOR 1871-72.

March, 1871—	For printing letter heads, envelopes and stationery.....	\$ 22 00
“ “	For printing posters, hand bills, circulars and envelopes.....	12 00
April, “	For 500 copies “History of Dakota and Emigrants Guide,”.....	90 00
“ “	For 500 copies Chapman’s Sectional Map of Dakota to accompany the Guide	60 00
“ “	For 150 copies of “History of Dakota” (donated).....	
“ “	For 150 copies Chapman’s Map (donated).....	
October, “	For 5,000 copies of Scandinavian pamphlet.....	200 00
“ “	For 386 copies “History of Dakota & Emigrants Guide”.....	69 48
“ “	For 386 copies Chapman’s Maps to accompany Guide.....	46 32
Total for 1871.....		\$499 80

Feb’y, 1872—	For 1,336 copies “History of Dakota & Emigrants Guide”.....	240 48
“ “	For 1,336 copies Chapman’s Sectional Map of Dakota to accompany Emigrants Guide.....	160 32
“ “	For advertising and publishing notices in the <i>Press</i>	7 50

August, 1872—	For 100 copies of <i>Vermillion Republican</i> to send East.....	5 00
“ “	For subscription to Scandinavian pamphlet descriptive of Dakota.....	25 00
Nov. “	For 100 copies John Brennan's Dakota pamphlet.....	10 00
“ “	For 50 copies <i>Union & Dakotian</i> to send East.....	2 50
“ “	For printing and advertising in Dakota <i>Republican</i>	13 50
“ “	For printing and advertising in Clay County <i>Register</i>	13 50
“ “	For express on “History of Dakota & Emigrants Guide” sent to Chicago & New York for distribution.....	6 80
Dec. 31 “	For postage for pamphlets, papers and correspondence.....	15 40
		\$500 00

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
Yankton, Jan. 3, 1873. }

MR. PRESIDENT:—I am directed to inform you that the House has this day adopted the following resolution, and ask the concurrence of the Council therein.

C. B. VALENTINE,
Chief Clerk, pro tem.

WHEREAS, The management of the Dakota Southern Railroad has tendered to the Legislature of Dakota Territory, an invitation to take part in an excursion to Sioux City, on Saturday, the 11th inst.; therefore, be it

Resolved, That the thanks of this House, the Council concurring, be tendered to Mr. Meckling and the company he represents, and that the Legislative Assembly accept the invitation with pleasure.

On motion of Mr. Stutsman,

The Council concurred in said resolution.

Ordered, That the Secretary acquaint the House therewith.

ADJOURNMENT.

On motion of Mr. Bramble,

The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

THIRTY-SIXTH DAY.

COUNCIL CHAMBER, }
Monday, Jan. 6, 1873. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

On motion of Mr. Stutsman,

The reading of the Journal of the 4th inst. was dispensed with.

MOTIONS AND RESOLUTIONS.

Mr. Stutsman submitted the following resolution, which was read, considered and agreed to:

Resolved, That during the balance of the session, the ladies be invited to seats within the bar of the Council.

On motion of Mr. Bramble,

Council Bill No. 8, entitled a bill for an act to incorporate the city of Yankton, returned from the House on the 4th inst. with amendment,

Was taken up for consideration, whereupon,
On motion of Mr. Bramble,
The amendment was concurred in.

Ordered, That the Secretary acquaint the House therewith.

NOTICE OF BILLS.

Mr. President gave notice that he will on some subsequent day of the session, introduce a bill to provide a charter for the village of Elk Point; also that he will on some subsequent day of the session, introduce a bill relating to the jurisdiction of justices of the peace in criminal cases.

INTRODUCTION OF BILLS.

Mr. McIntyre, by consent, without previous notice, introduced Council Bill No. 59, entitled a joint resolution relative to Council Bill No. 1,

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on public printing.

Mr. Stevens, by consent, without previous notice, introduced Council Bill No. 60, entitled a bill for an act relative to a portion of the Territorial library,

Read a first and second times, and

On motion of Mr. Stevens,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 8; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Gehon, Mason, Miner, Smith, Stevens and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Flick, Lawrence, McIntyre and Stutsman.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 61, entitled a bill for an act relative to the practice, pleadings and proceedings in the district court;

Read a first and second times, and
On motion of Mr. Bramble,
Referred to the committee on judiciary.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 26, entitled a memorial to the Postmaster General of the United States, praying that the mail service on route No. 13,600, from Yankton to Sioux Falls, D. T., be increased to six times a week, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 6, entitled an act relating to conditional sales of personal property; also

Council Bill No. 13, entitled an act relating to the proof, acknowledgment and recording of deeds, mortgages and other instruments in writing; and also

Council Bill No. 39, entitled an act relative to paupers, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bills No. 19, 31, 46 and 23, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills did, on this day, at 3 o'clock P. M., hand to his excellency, the Governor, for his action thereon, Council Bill No. 6, entitled an act relating to conditional sales of personal property; also

Council Bill No. 13, entitled an act relating to proof, acknowledgment and recording of deeds, mortgages, and other instruments in writings; also

Council Bill No. 26, entitled a memorial to the Postmaster General of the United States, praying that the mail service on route No. 13,600 from Yankton to Sioux Falls, D. T., be increased to six times a week; and also

Council Bill No. 39, entitled an act relating to paupers.

E. STUTSMAN,
Chairman.

Mr. Miner, from the committee on judiciary, submitted the following reports:

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 53, it being an act to change the time of the general election to the first Tuesday after the first Monday in November, and changing the time of the meeting of the Legislature to the first Monday of January, have had the same under consideration, and the majority report the same back to the Council and recommend that the same do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 11, it being a bill to provide against the evils resulting from the sale of intoxicating liquors, have had the same under consideration, and recommend that it be amended as follows, to-wit:

1. Strike out Sections 3 and 5;
 2. In the fifth line of Section 6, after the figures 100, add dollars, and strike out the balance of said section;
 3. After the words "provided in" in the fifth line of the 8th section, strike out the words "section (5) of," and after the words "until paid" in the tenth line of section eight, strike out the balance of said section;
 4. Strike out sections nine and ten; Section 4 to be section 3, and section 6 to be section 4, and section 7 to be section 5, and section 8 to be section 6, and section 11 to be section 7;
- Section 8. All liquors, jugs, bottles, barrels, glasses and other furniture of a place, where liquors, which are intoxica-

ting, are sold, shall be liable for all fines assessed against the person having the same in charge.

With said amendments, the committee recommend that the bill do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred House File No. 37, it being an act to provide for the revision of the general laws of Dakota Territory, would most respectfully report that they have had the same under consideration, and recommend that it do not pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred Council Bill No. 55, have had the same under consideration, and would report the same back to the Council with the recommendation that the same do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred House File No. 45, it being an act relating to dower, and to allow a wife the privilege of excluding her husband from her dwelling, have had the same under consideration and recommend that it do not pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred House File No. 56, it being an act to amend chapter 3 of title four of the civil code, approved Jan. 12th, 1866, have had the same under consideration, and report the bill back to the Council with the recommendation that it do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred House File No. 24, it being an act to prohibit the sale of intoxicating liquors on days of election, have had the same under consideration, and recommend the following amendment:

Strike out the word "thirty" in the fifth line of section two, and insert the word "twenty," said change being advised for

the purpose of bringing the offense within the jurisdiction of justices of the peace; with said amendment, the committee recommend that said bill do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary have had under consideration Council Bill No. 43, it being an act relative to justices courts, and do hereby report the same back to the Council, with the recommendation that it do not pass.

NELSON MINER,
Chairman.

Mr. Crew, from the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture, to whom was referred House File No. 33, it being an act to encourage the growth of young timber along section line roads, have had the same under consideration, and would respectfully report the same back with the recommendation that it do not pass.

E. B. CREW,
Chairman.

Mr. Flick, from the committee on Federal relations, submitted the following report:

MR. PRESIDENT:—Your committee on Federal relations, to whom was referred House File No. 47, a memorial to Congress praying for an appropriation to aid in constructing a wagon road from Rockport to Jamestown, on the Northern Pacific Railroad, D. T., have had the same under consideration and recommend its passage.

J. D. FLICK,
Chairman.

Mr. Cooley, from special committee, submitted the following reports:

MR. PRESIDENT:—Your special committee to whom was referred House Bill No. 48, entitled a bill for an act to lay out and establish a Territorial road from Springfield, Bon Homme county, to Firesteel, Hanson county, D. T., have had the same under consideration, and would beg leave to report a recommendation of its passage.

H. P. COOLEY,
Chairman.

MR. PRESIDENT:—Your special committee to whom was referred House Bill No. 49, entitled a bill for an act to create three commissioner districts in Bon Homme county, have had the same under consideration, and would beg leave to report the same back to the Council with the recommendation that it do not pass.

H. P. COOLEY,
Chairman.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,
January 6, 1873.

MR. PRESIDENT:—I am instructed to inform your honorable body that the House did this day, pass Council Bill No. 50, entitled a bill legalizing the act of the county commissioners and the register of deeds of Buffalo county, in leasing J. R. Hanson a ferry charter across the Missouri river. Is herewith returned.

Respectfully,

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said bill be enrolled. —

The hour having arrived designated for the consideration of the special order, the Council resolved itself into the committee of the whole on the same.

And after some time spent therein, the President resumed the chair, and Mr. Gehon reported that the committee having, according to order, had the special order under consideration, to-wit:

House File No. 35, entitled a bill for an act to establish the boundaries of certain counties in this Territory; also

House File No. 53, entitled a bill for an act to organize certain counties in the Territory of Dakota, had agreed to recommend their passage.

UNFINISHED BUSINESS.

House File No. 34, a bill for an act to repeal an act to establish a code of civil procedure, approved May, 1862; also to amend an act to simplify and abridge the practice, plead-

ings and proceedings of the courts of this Territory, passed at the 7th session, and for other purposes, received from the House on the 4th inst.,

Was taken up, and
Read a first and second times, and
On motion of Mr. Lawrence,
Referred to the committee on judiciary.

House File No. 55, entitled a memorial to the Postmaster General of the United States, praying that the mail service on route No. —, from Sioux Falls to Medary, Dakota Territory, be increased, received from the House on the 4th inst.,

Was taken up, and
Read a first and second times, and
On motion of Mr. Lawrence,
The rules were suspended and under the operation thereof, the bill was
Read a third time.

The question then being on its passage, and it being put
“shall the bill pass,”

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,
So the bill was passed.

The question then being on agreeing to its title,
And it being put,
The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 64, entitled a bill for an act defining the boundaries and naming counties west of the Missouri river, received from the House on the 4th inst.,

Was then taken up, and
Read a first and second times, and
On motion of Mr. Stutsman,
The rules were suspended, and under the operation thereof the bill was
Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative,

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr.
President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

Council Bill No. 23, entitled a bill for an act relative to
costs in criminal cases before justices of the peace, taken from
the table on the 4th inst.,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the negative.

Ayes 4; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Crew, Flick, Miner and Stutsman.

Those voting in the negative, were

Messrs. Bramble, Cooley, Gehon, Lawrence, Mason, McIn-
tyre, Stevens and Mr. President.

Mr. Smith not voting.

So the bill was not passed.

House Bill No. 35, entitled a bill for an act to establish the
boundaries of certain counties in this Territory, reported from
the committee of the whole,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 12; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, and Mr. President.

Mr. Stutsman voted in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in the amendment thereto.

House File No. 53, entitled a bill for an act to organize certain counties in the Territory of Dakota, reported from the committee of the whole,

Was taken up for consideration.

On motion of Mr. Stutsman,

The amendment reported by the committee on counties on the 4th inst., was agreed to,

Whereupon, Mr. McIntyre moved to recommit the bill to the committee on counties,

Which motion was disagreed to.

Mr. McIntyre then moved to indefinitely postpone the further consideration of said bill.

Which motion was disagreed to.

Accordingly the bill was then

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 9; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Gehon, Lawrence, Mason, Smith, Stevens and Mr. President.

Those voting in the negative, were

Messrs. Crew, McIntyre and Miner.

Mr. Stutsman not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in said amendment.

BILLS REPORTED BY COMMITTEES.

Council Bill No. 11, entitled a bill for an act to provide against the evils resulting from the sales of intoxicating liquors in the Territory of Dakota, reported back by the committee on judiciary, with amendments,

Was taken up for consideration, and

On motion of Mr. Stutsman,

The report of the committee was adopted.

Ordered, That said bill be engrossed for a third reading.

House File No. 37, entitled a bill for an act to provide for the revision of the general laws of Dakota Territory,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the negative.

Ayes 3; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Flick, McIntyre and Stutsman.

Those voting in the negative, were

Messrs. Bramble, Crew, Gehon, Lawrence, Mason, Miner, Smith and Stevens.

Mr. Cooley and Mr. President not voting.

So the bill was not passed.

Council Bill No. 5, entitled a bill for an act concerning gambling in Dakota, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 10; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Stevens and Mr. President.

Those voting in the negative, were

Messrs. Bramble and Smith.

Mr. Stutsman not voting.

So the bill was passed.

The question then being on agreeing to its title, and it being put.

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

REPORT OF COMMITTEE.

Mr. Stutsman, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 50, entitled an act legalizing the acts of the county commissioners and register of deeds of Buffalo county, in leasing J. R. Hanson a ferry charter across the Missouri river, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }
Yankton, Jan. 6, 1873. }

MR. PRESIDENT:—I am instructed to inform you that the House has this day passed House Bills entitled as follows:

No. 68, joint resolution providing for the payment of the enrolling and committee clerks of the tenth session of the Dakota Legislature; and

No. 69, a bill for an act to prevent accidents at railroad crossings, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

C. F. MALLAHAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Yankton, Jan. 6, 1873. }

MR. PRESIDENT:—I am directed to inform you that the House did, on the 4th inst., pass House Bills as follows:

No. 15, (substitute) a bill for an act to amend an act entitled an act to establish a public school law for the Territory of Dakota;

No. 42, a bill for an act to protect game in the Territory of Dakota;

No. 54, a bill for an act to locate and establish a Territorial road from Shahinkapa, Richland county, to Owego, Ransom county, D. T.; and

No. 61, a bill for a memorial to the Hon. Postmaster General, praying that service be placed upon mail route from Canton to Milltown; which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

That the House did also pass on the 4th inst., Council Bills, as follows:

No. 35, a bill for an act to repeal chapter first of the laws of 1868-69, entitled an act to establish a code of criminal procedure for Dakota, approved Jan. 12th, 1869, and for other purposes; and

No. 37, a memorial to the Postmaster General of the United States, praying that the mail service on route No. —, from Fort Randall to Fort Sully, D. T., be increased to three times a week; and

No. 34, a bill for an act to locate and establish a Territorial road from Sioux Falls to Ft. Thompson, via Rockport, on the James, or Dakota river, and the mouth of White Earth river; which bills are herewith respectfully returned, and the concurrence of the Council asked in the amendments to Council Bill No. 34.

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said Council Bills Nos. 35, 37 and 34 be enrolled.

HOUSE OF REPRESENTATIVES, }
Monday, Jan. 6, 1873. }

MR. PRESIDENT:—I am instructed to inform you that the House did, on this day, pass House Bill No. 52, joint resolution providing for the payment of the officers and members of the extra session of the Legislative Assembly of Dakota Territory, convened April 18th, 1871, which bill is herewith transmitted and the concurrence of the Council respectfully requested therein.

C. F. MALLAHAN,
Chief Clerk.

. COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 6, 1873. }

HON. ALEX. HUGHES, -

President of the Council:

SIR:—I have the honor to inform you that I have signed and approved the following bills:

Council Bill No. 12, an act relating to notes and bills of exchange;

Council Bill No. 24, an act relating to sureties;

Council Bill No. 28, an act repealing a portion of the criminal code;

Council Bill No. 29, an act relating to indexing the laws;

Council Bill No. 33, an act to amend chapter 24, laws of 1868-69;

Council Bill No. 18, an act defining boundaries of Pembina county;

Council Bill No. 47, a memorial relating to obstructions in Red River;

Council Bill No. 46, a memorial relating to Chippewa Indians;

Council Bill No. 45, a memorial relating to wagon road in the valley of the Red River;

Council Bill No. 19, a memorial relating to bridges across Dakota river;

Council Bill No. 30, a memorial relating to citizen's claims on the Fort Randall reservation;

Council Bill No. 31, an act to increase the compensation of probate judge and county treasurer in certain cases.

Very Respectfully,

Your Ob't Serv't,

JOHN A. BURBANK,

Governor.

ADJOURNMENT.

On motion of Mr. Bramble,

The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

THIRTY-SEVENTH DAY.

COUNCIL CHAMBER. }
Tuesday, Jan. 7, 1873. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Roll called.

Absent. Mr. Smith.

On motion of Mr. Bramble,

The reading of the Journal of the 6th inst. was dispensed with.

MOTIONS AND RESOLUTIONS.

Mr. Lawrence submitted a resolution relative to contesting the seat of M. K. Armstrong, Delegate elect to the 43d Congress, which was

On motion of Mr. Mason,

Referred to a special committee consisting of Messrs. Mason, McIntyre and Bramble.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }
 Tuesday, Jan. 7, 1873. }

MR. PRESIDENT:—I am instructed to inform your honorable body that the House did, on the 6th inst., pass House Files, as follows:

No. 58, a bill for an act to authorize the Dakota Southern Railroad to make and construct side tracks and switches to the Missouri river;

No. 62, a memorial to Congress asking that a mail route be established between Yankton via Green Isle, Beaver Creek, Truesdell, Sauntee City, Bazille Mills, Happy Valley and Mineral Springs, Nebraska, to Frenchtown, Nebraska; and

No. 67, a memorial to the Congress of the United States, praying for a grant of land to enable the Dakota Southern Railroad Company to continue its line of railroad from Yankton via the White river and North Fork of the Big Cheyenne river, to connect with the Northern Pacific Railroad, in the valley of the Yellowstone; which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

The House did, on the same day, pass Council Bill No. 9, entitled, as follows:

A bill for an act to amend section 11 of chapter 15, of the statutes of the Territory, approved Jan. 11th, 1865. Is herewith returned.

Very Respectfully,

C. F. MALLAHAN,
Chief Clerk,

HOUSE OF REPRESENTATIVES, }
 Tuesday, Jan. 7, 1873. }

MR. PRESIDENT:—I am instructed to inform you that the House did, this day, pass House Bills entitled as follows:

No. 66, a memorial to the Postmaster General of the United States, praying that the mail service on route No. —, from Sioux City, by way of Richland, to Sioux Falls, in this Territory, be increased to six times a week;

No. 71, a memorial to Congress, asking the establishment of a mail route from Mineral Springs, Dakota Territory, to Niobrara, Nebraska, and that service from Springfield, in said Territory, via said Mineral Springs, at least three times a week, be ordered on said route;

No. 70, a memorial to Congress, asking a land grant to aid in constructing the Dakota Central Railroad;

No. 65, a memorial to the Senate and House of Representatives, praying for legislation for the benefit of holders of pre-emption claims;

No. 63, an act entitled an act to organize the county of Burleigh;

No. 75, a memorial to Congress, asking aid for the Dakota, Pacific & Missouri River Railroad Company;

No. 74, a memorial to Congress, asking right of way through the public land for the Dakota, Pacific & Missouri River Railroad Company; which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

Also, that the House did, on the same day, pass Council Bills entitled as follows:

No. 54, a bill for an act to locate and establish a Territorial road from Rockport via Wicklow and Flandreau, to the State line of Minnesota;

No. 58, a memorial to the Secretary of the Interior, asking that Yankton be made a point for supplies for the Government;

No. 56, a memorial to the Postmaster General of the United States; which bills are herewith returned;

Also, that the House did, on the same day, concur in Council amendment to House Bill No. 29; and

Also, that the Auditor and Treasurer of this Territory made their reports to the House this day, which reports were accepted, and the House ordered 500 copies of each printed for the use of the Legislative Assembly, and the said officers.

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said Council Bills numbered 9, 54, 58 and 56 be enrolled.

INTRODUCTION OF BILLS.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 62, entitled a bill for an act vacating a portion of the levee of the town of Vermillion, D. T.,

Read a first and second times, and

On motion of Mr. Miner,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"—

It was decided in the affirmative.

Ayes 9; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Miner, Stutsman and Mr. President.

Mr. Mason voted in the negative.

Mr. McIntyre and Mr. Stevens not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 63, entitled a bill for an act to define the jurisdiction of the courts of justices of the peace,

Read a first and second times, and

On motion of Mr. Stutsman,

Referred to the committee on judiciary.

Mr. Gehon, by consent, without previous notice, introduced Council Bill No. 64, entitled a bill for an act for taking the census of Dakota Territory for the year 1874,

Read a first and second times, and

On motion of Mr. Gehon,

The rules were suspended, and under the operation thereof the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, McIntyre, Miner, Stevens, Stutsman and Mr. President.

None voting in the negative.

Mr. Lawrence not voting.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. Stevens, by consent, without previous notice, introduced Council Bill No. 65, entitled, joint resolution, asking an appropriation for the Auditor and Treasurer of Dakota Territory,

Read a first and second times, and

On motion of Mr. Stevens,

The rules were suspended and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 8; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Flick, Gehon, McIntyre, Miner, Stevens, Stutsman and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Crew, Lawrence and Mason.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. Stevens, by consent, without previous notice, introduced Council Bill No. 66, entitled a bill for an act to amend the school law of the Territory of Dakota, approved Jan. 11th, 1871,

Read a first and second times, and

On motion of Mr. Mason,

Referred to the committee on judiciary.

Mr. Stevens, by consent, without previous notice, introduced Council Bill No. 67, entitled a bill for an act to amend section 47 of chapter 4 of the session laws of 1868-69,

Read a first and second times, and

On motion of Mr. Bramble,

Made the special order for Wednesday, Jan. 8, at 3 o'clock P. M.

Mr. Lawrence, by consent, without previous notice, introduced Council Bill No. 68, entitled joint resolution relative to printing,

Read a first and second times, and

On motion of Mr. Lawrence,

Referred to the committee on public printing.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on judiciary, submitted the following report:

MR. PRESIDENT:—The committee on judiciary to whom was referred House File No. 7, it being an act reorganizing the bureau of immigration for the Territory of Dakota, have had the same under consideration, and as it would be an additional outlay of \$1,400 annually, making \$2,000 per annum for said bureau, and in the present depressed condition of finance in the Territory, we recommend that the bill do not pass.

NELSON MINER,
Chairman.

Mr. Lawrence, from the committee on public printing, submitted the following report:

MR. PRESIDENT:—Your committee on public printing to whom was referred Council Bill No. 59, have had the same under consideration, and respectfully report the same back with the recommendation that it do not pass.

JOHN LAWRENCE, *Ch'n.*
D. T. BRAMBLE,
JAS. MASON.

Mr. Gehon, from the committee on engrossed bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed bills, to whom was referred Council Bill No. 11, to provide against the evils resulting from the sale of intoxicating liquors in the Territory, have had the same under careful examination, and find the same correctly engrossed.

J. GEHON,
Chairman.

Mr. McIntyre, from the committee on immigration, submitted the following report:

MR. PRESIDENT:—Your committee on immigration to whom was re-committed the petition and account of Frank Bem, late commissioner of immigration for Dakota Territory, with instructions to report by bill, have had the same under consideration, and would report the accompanying bill and recommendation that it do pass.

C. H. McINTYRE,
Chairman.

REPORTED BACK BY COMMITTEES.

House File No. 7, (substitute) entitled a bill for an act re-organizing the board of immigration for Dakota Territory, reported back by the committee on judiciary,

Was taken up, and

On motion of Mr. Bramble,

Its consideration was postponed until Wednesday, January 8th, at half past 2 o'clock P. M.

Council Bill No. 59, entitled a joint resolution relative to Council Bill No. 1, reported back by the committee on public printing,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the negative.

Ayes 4; noes 7, as follows:

Those voting in the affirmative, were

Messrs. Crew, Flick, McIntyre and Miner.

Those voting in the negative, were

Messrs. Bramble, Cooley, Gehon, Lawrence, Mason, Stevens and Mr. President.

Mr. Stutsman not voting.

So the bill was not passed.

Council Bill No. 11, entitled a bill for an act to provide against the evils resulting from the sales of intoxicating liquors in the Territory of Dakota, reported correctly engrossed,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put
"shall the bill pass,"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

Council Bill No. 69, entitled a bill for an act for the payment of Frank Bem, as commissioner of immigration, reported by the committee on immigration,

Was taken up, and

Read a first and second times, and

On motion of Mr. Miner,

Referred to the committee on immigration.

FIRST READING OF HOUSE FILES.

House File No. 68, entitled joint resolution providing for the payment of the enrolling and committee clerks of the tenth session of Dakota Legislature,

Was taken up, and

Read a first and second times,

Whereupon, Mr. Stevens submitted the following amendment thereto:

Amend House Bill No. 68, entitled joint resolution providing for the payment of the enrolling and committee clerks of the tenth session of the Legislature of Dakota, as follows:

1st. Amend the enacting clause so as to read as follows:
"Be it resolved by the Legislative Assembly of the Territory of Dakota;"

2d. Strike out all of section one, and insert the following in lieu thereof:

"Sec. 1. That there be, and is hereby allowed to Bucklin Wood, as compensation for extra services as enrolling clerk

of the House, the sum of one hundred and twenty dollars; also to R. Mostow, as compensation for extra services as enrolling clerk of the Council, the sum of one hundred and twenty dollars; also to C. B. Valentine, as compensation for his services as clerk of committees, the sum of one hundred and twenty dollars; also to George I. Foster, in compensation for extra services as secretary of the Council, the sum of forty dollars; and also to J. P. Walters, as compensation for extra services as assistant secretary of the Council, the sum of forty dollars. And that the Territorial Auditor is hereby authorized and required to issue warrants upon the Treasurer of the Territory, in favor of the persons above named, agreeable to the provisions of this section."

Add the following as section two:

Sec. 2. This joint resolution shall take effect and be in force from and after its passage and approval.

On motion of Mr. Bramble,

The further consideration of the subject matter was postponed until to-morrow.

House File No. 69, entitled a bill for an act to prevent accidents at railroad crossings,

Was taken up, and

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on judiciary.

House File No. 15, (substitute) entitled a bill for an act to amend an act entitled an act to establish a public school law for the Territory of Dakota,

Was then taken up, and

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on education.

House File No. 42, entitled a bill for an act to protect game in the Territory of Dakota,

Was taken up, and

On motion of Mr. Stevens,

Referred to the committee on agriculture.

House File No. 54, entitled a bill for an act to locate and establish a Territorial road from Shahinkapa, Richland county, Dakota, to Oswego, Ransom county, D. T.,

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 52, entitled joint resolution providing for the payment of the officers and members of the extra session of the Legislative Assembly of the Territory of Dakota, convened April 18th, 1871.

Was then taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, Stutsman and Mr. President.

Mr. Miner and Mr. Stevens voted in the negative.

Mr. McIntyre not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.
House File No. 61, entitled a memorial to the Hon. Postmaster General, &c.,

Was taken up, and

Read a first and second times, and

On motion of Mr. Gehon,

The rules were suspended, and under the operation thereof the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

RESOLUTION.

Mr. Stutsman, by consent, submitted the following resolution, which was read, considered and agreed to:

Resolved, That during the balance of the session, no member shall be permitted to occupy the floor for a longer time than ten minutes on any one question before the Council, without unanimous consent.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 7, 1873.

HON. ALEX. HUGHES,

President of the Council:

SIR:—I regret to have to inform you that it will be quite impossible to make the excursion to Sioux City on Saturday next, as has been proposed. A telegram and letter from J.

S. Meckling, Esq., Superintendent of the Dakota Southern Railroad, states that a portion of their iron has been detained by the snow upon other lines, and that he can see no probability of their being able to complete the road to this place by the time proposed, and place it in such condition that the trip could be made with any degree of safety or comfort. He expresses his sincere regrets at the turn which the matter has taken, and in this I fully join.

Very Respectfully,

Your Ob't Serv't,

JOHN A. BURBANK,

Governor.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,)

Tuesday, Jan. 7, 1873.)

MR. PRESIDENT:—I am directed to transmit to you the following communication from Hon. M. K. Armstrong, and to inform you that the House has appointed a committee of two, consisting of Messrs. Turner and Miner, to act in conjunction with a like committee on the part of the Council, to distribute the documents, &c., received by the Hon. J. W. Turner, for the use of this Legislature.

C. F. MALLAHAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES,)
Washington, D. C., Dec 29, 1872.)

HON. J. W. TURNER,

Member of the Legislature,

Yankton, D. T.,

DEAR SIR:—I have the honor to transmit to your address, by to-day's mail, five United States mail sacks, containing 216 volumes of public documents and 180 packages of farm and garden seeds, designated as follows, and intended for the members of the Legislature, viz:

7 volumes of *Congressional Globe*, 2d session of 42d Congress;

9 copies of *Congressional Directory*, 3d session of 42d Congress;

200 copies of *Agricultural Report* for 1871-2;

150 packages of assorted Seeds for farm and garden;
30 packages of imported Tree Seeds for western prairies.

My reason for thus sending these seeds and documents to you in bulk, is, that they may the more safely reach the Territory in this way, and be distributed among members of the Legislature, and by them sent into the several counties which they respectively represent; inasmuch as fully one half of the seeds, documents and plants sent out by me last session, in single packages to individual addresses throughout the Territory, were never received by the parties to whom they were mailed.

A supply of bulbs, cuttings, sprouts and floral plants will be sent before the opening of early spring in Dakota.

I am, Sir,

Yours Respectfully,

M. K. ARMSTRONG,

Del. in Congress.

ADJOURNMENT.

On motion of Mr. Bramble,
The Council adjourned.

ALEXANDER HUGHES,

President.

Attest:

GEO. I. FOSTER,

Secretary.

THIRTY-EIGHTH DAY.

COUNCIL CHAMBER. }

Wednesday, Jan. 8, 1873. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

On motion of Mr. Bramble,

The reading of yesterday's Journal was dispensed with.

MOTIONS AND RESOLUTIONS.

Mr. Stevens moved that a committee of three be appointed by the chair, to act in conjunction with the committee of the House, to distribute the books and seeds received from the Hon. M. K. Armstrong.

Which motion was agreed to.

Messrs. Stevens, Stutsman and Lawrence were appointed such committee.

Ordered, That the Secretary acquaint the House therewith.

Mr. Gehon submitted the following resolution, which was read, considered and agreed to:

Resolved, That in the opinion of this Council, the Hon. M. K. Armstrong, our present Delegate in Congress, was, at the late October election duly and legally re-elected to said position by a large plurality vote over both his competitors, and that any contest filed by either of his competitors, is not only without merit, but also prejudicial to the best interests of this Territory; and therefore, in our opinion, contrary to the wishes of the people of Dakota;

Resolved, That a copy of these resolutions be signed by the presiding officer, and attested by the Secretary of the Council, and be forwarded to the Speaker of the House of Representatives of the United States.

NOTICE OF BILLS.

Mr. McIntyre gave notice that he will on to-morrow or some subsequent day of the session, introduce a memorial to Congress praying for an appropriation to erect a Capital Building in Dakota Territory.

INTRODUCTION OF BILLS.

Mr. Gehon, by consent, without previous notice, introduced Council Bill No. 70, entitled a bill for an act to create the Eighth and Ninth Council and Representative Districts, and apportion the Councilmen and Representatives therein,

Read a first and second times, and

On motion of Mr. Gehon,

The rules were suspended and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Crew, Flick, Gehon, Lawrence, Mason, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Bramble and Mr. McIntyre voted in the negative.

Mr. Cooley not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. Stevens, by consent, without previous notice, introduced Council Bill No. 71, entitled a bill for an act to increase the salary of the Treasurer and Auditor of the Territory of Dakota,

Read a first and second times, and

On motion of Mr. Stevens,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 11; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Lawrence and Mr. McIntyre voted in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. Stevens, by consent, without previous notice, introduced Council Bill No. 72, entitled a bill for an act to establish commissioner and assessor districts in Union county,

Read a first and second times, and

On motion of Mr. Stevens,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative,

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. Flick, by consent, without previous notice, introduced Council Bill No. 73, entitled a memorial to Congress, praying for an appropriation to aid in building a penitentiary in the Territory of Dakota,

Read a first and second times, and

On motion of Mr. Crew,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,

Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

On motion of Mr. Bramble,

By unanimous consent, House File No. 70, entitled a memorial to Congress, asking a land grant to aid in constructing the Dakota Central Railroad,

Was taken up, and

Read a first and second times, and

On motion of Mr. Bramble,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

On motion of Mr. Bramble,

Ordered, That three copies of said memorial be made and forwarded, one each to the Senate and House of Representatives, and M. K. Armstrong, Delegate in Congress.

The hour of half past 2 p. m. having arrived,

House File No. 7, (substitute) entitled a bill for an act reorganizing the board of immigration for Dakota Territory,

The consideration of which was on the 7th inst. set for this hour,

Was taken up for consideration.

Whereupon, Mr. Miner submitted the following amendments thereto, which were read, considered and agreed to:

Amend House File No. 7, (substitute) as follows:

1st. Change the title so as to read as follows: A bill for an act making an appropriation for the salary of the commissioner of immigration, and for other purposes;

2d. Strike out all after the enacting clause, and insert the following:

Section 1st. The commissioner of immigration, of Dakota Territory, shall be allowed an annual salary of four hundred dollars, said sum to be paid quarterly, by the Territorial Treasurer, out of any money not otherwise appropriated.

Section 2. The commissioner of immigration may, in his discretion, use a portion of the funds heretofore appropriated for the purpose of publishing and circulating documents in advertising the Territory in newspapers.

This act shall take effect from and after its passage.

Accordingly the bill was then

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in said amendments.

The hour of 3 o'clock P. M. having arrived,

House File No. 5, entitled a bill for an act to amend section 47, chapter 4, of the session laws of 1869-70; and

Council Bill No. 67, entitled a bill for an act to amend section 47, of chapter 4, of the session laws of 1868-69,

The consideration of which bills had been heretofore set for this hour,

Were taken up for consideration, whereupon

On motion of Mr. Bramble,

Said House File No. 5 was indefinitely postponed.

Ordered, That the Secretary acquaint the House therewith.

Said Council Bill No. 67 was then read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the negative.

Ayes 5; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Crew, McIntyre, Smith, Stevens and Stutsman.

Those voting in the negative, were

Messrs. Bramble, Cooley, Flick, Gehon, Lawrence, Mason, Miner and Mr. President.

So the bill was not passed.

Mr. Bramble moved to reconsider the vote last taken, and moved also to lay the motion to reconsider on the table,

Which latter motion was disagreed to.

FIRST READING OF HOUSE FILES.

House File No. 66, entitled a memorial to the Postmaster General of the United States, praying that the mail service on route No. —, from Sioux City, via Richland to Sioux Falls, in this Territory, be increased to six times a week,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,

Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 71, entitled a memorial to Congress, asking the establishment of a mail route from Mineral Springs, Dakota Territory, to Niobrara, Nebraska, and that service from Springfield, in said Territory, via said Mineral Springs, at least three times a week, be ordered on said route,

Was then taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative,

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 65, entitled a memorial to the Senate and House of Representatives, praying for legislation for the benefit of holders of pre-emption claims,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 63; entitled a bill for an act entitled an act to organize the county of Burleigh,

Was taken up, and

Read a first and second times, and

On motion of Mr. Mason,

The rules were suspended, and under the operation thereof the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 9; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, Miner and Mr. Stevens.

Mr. McIntyre voted in the negative.

Messrs. Smith, Stutsman and Mr. President not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 58, entitled a bill for an act to authorize

the Dakota Southern Railroad to make and construct side tracks and switches to the Missouri river,

Was taken up, and

Read a first and second times,

On motion of Mr. Stutsman,

Referred to the committee on railroads.

House File No. 62, entitled a memorial to Congress asking that a mail route be established between Yankton via Green Isle, Beaver Creek, Truesdell, Sauntee City, Bazille Mills, &c., to Frenchtown, Nebraska,

Was then taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 67, entitled a memorial to the Congress of the United States, praying for a grant of land to enable the Dakota Southern Railroad Company to continue its line of railroad from Yankton via White river, &c., to connect with the Northern Pacific Railroad, in the valley of the Yellowstone,

Was taken up, and

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on railroads.

House File No. 75, entitled a memorial to Congress, asking

aid for the Dakota, Pacific & Missouri River Railroad Company,

Was taken up, and

Read a first and second times, and

On motion of Mr. Flick,

Referred to the committee on railroads.

House File No. 74, entitled a memorial to Congress, asking right of way through the public land for the Dakota, Pacific & Missouri River Railroad Co.,

Was taken up, and

Read a first and second times, and

On motion of Mr. Mason,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 68, entitled a joint resolution providing for the payment of the enrolling and committee clerks of the tenth session of Dakota Legislature,

To which amendments were submitted on the 7th inst.,

Was taken up, and

On motion of Mr. Bramble,

The amendments were agreed to.

Accordingly the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes 3, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, Stevens, Stutsman and Mr. President.

Those voting in the negative, were
Messrs. McIntyre, Miner and Smith.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence in said amendments.

Mr. Bramble in the chair.

BILLS REPORTED BY COMMITTEES, JAN. 6, 1873.

Council Bill No. 53, entitled a bill for an act to amend
section two, chapter seventeen of the session laws of 1870-71;
and for other purposes, reported back by the committee on
judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the negative.

Ayes 4; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Gehon, Mason, Miner and Smith.

Those voting in the negative, were

Messrs. Bramble, Cooley, Crew, Flick, Lawrence, McIntyre,
Stevens, Stutsman and Mr. President.

So the bill was not passed.

House File No. 45, entitled a bill for an act relating to
dowry, reported back by the committee on judiciary,

Was taken up and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Gehon, Lawrence, Mason, McIntyre,

Smith, Stevens, Stutsman and Mr. President.

Those voting in the negative, were
Messrs. Bramble, Flick and Miner.

So the bill was passed.

The question then being on agreeing to its title,
And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

Mr. Stutsman moved to reconsider the vote by which said
bill was passed, and moved also to lay the motion to recon-
sider on the table,

Which latter motion was agreed to.

House File No. 56, entitled a bill for an act to amend chap-
ter 3 of title 4, of the civil code, approved January 12, 1869,
reported back by the committee on judiciary,

Was taken up for consideration, whereupon,

Mr. Bramble submitted the following amendment thereto,
Which was agreed to.

Amend so as to make the legal rate of interest one and one
half per cent. per month, and eighteen per cent. per annum.

Accordingly the bill was then

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Lawrence, Mason, McIn-
tyre, Miner, Stevens, Stutsman and Mr. President.

Those voting in the negative, were

Messrs. Flick, Gehon and Smith.

So the bill was passed.

The question then being on agreeing to its title,
And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence in said amendment.

House File No. 24, entitled a bill for an act to prohibit the
sale or giving away of liquors on any election day, reported

back by the committee on judiciary, with amendment,

Was taken up for consideration, and

On motion of Mr. Bramble,

The report of the committee was adopted.

Accordingly the bill was then

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Flick, Lawrence, Mason, McIntyre,
Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Gehon voted in the negative.

Mr. Bramble not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence in said amendment.

Council Bill No. 43, entitled a bill for an act to amend title
11 of an act entitled an act to simplify and abridge the prac-
tice, pleadings and proceedings of the courts of this Territo-
ry, by adding the following chapter, reported back by the
committee on judiciary,

Was taken up, and

On motion of Mr. Hughes,

Its consideration was postponed until Thursday, January
9th, at half past 2 o'clock P. M.

House File No. 33, entitled a bill for an act to encourage
the growth of timber and trees along section line roads, re-
ported back by the committee on agriculture,

Was taken up and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 9; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Lawrence, Mason, McIntyre, Miner, Stevens and Stutsman.

Those voting in the negative, were

Messrs. Crew, Gehon and Smith.

Mr. President not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 47, entitled a memorial to the Congress of the United States, praying for an appropriation to aid in establishing and constructing a wagon road from Rockport, in Hanson county, D. T., to Jamestown, on the Northern Pacific Railroad, reported back by the committee on Federal relations,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 48, entitled a bill for an act to lay out and establish a Territorial road from Bon Homme to Firesteel, Hanson county, D. T., reported back by special committee,

Was then taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative,

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 49, entitled a bill for an act to create three commissioner districts in Bon Homme county, reported back by special committee,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 9; noes 2, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Crew, Flick, Gehon, Mason, McIntyre, Miner, Stutsman and Mr. President.

Messrs. Cooley and Lawrence voted in the negative.

Messrs Stevens and Smith not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith Mr. President in the chair.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on judiciary, submitted the following reports:

MR. PRESIDENT:—The committee on judiciary to whom was referred Council Bill No. 66, it being an act to establish a public school law for the Territory of Dakota, have had the same under consideration, and report the same back to the Council with the recommendation that the bill do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred Council Bill No. 61, it being an act relative to the practice, pleadings and proceedings in the district courts, do most respectfully report that they have had the same under consideration, and do hereby report the same back to the Council with the recommendation that the bill do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary have carefully examined House File No. 34, it being an act to repeal an act to establish a code of civil procedure, approved May, 1862; also to amend an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, passed at the seventh session, and for other purposes, do most respectfully recommend that section seven (7) of said bill be stricken out, and that section seven be made to read as follows, to-wit:

(7. This act and the amendments herein made, shall not in any particular change the exemption laws as they now exist in this Territory;)

Also, strike out section ten, and insert in lieu thereof, the following, to-wit:

(Section 10. No judgment shall be rendered at a special term of the district court; no attorneys fees shall be allowed the prevailing party in any case; and in all cases in the district court the defendant shall have until the morning of the second day of the next general term of said court, to answer or demurrer after the commencement of the suit, and no notice of trial need be given in cases hereafter commenced.)

(No fees or costs shall be allowed to any party in a civil action, except witness fees, jury fees, clerk's fees and costs of court.)

No civil case which is in the jurisdiction of the courts of justice of the peace shall be commenced originally in the district courts of this Territory.

With said amendments, the committee recommend that the bill do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom

was referred Council Bill No. 63, have duly considered the same, and report the same back to the Council with the recommendation that the same do pass.

N. MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred Council Bill No. 5, it being an act to repeal sections 6, 7 and 8, of chapter 5, of the session laws of 1866-67, approved January 11th, 1867, and for other purposes, most respectfully report that they have duly considered the same, and as said bill repeals a portion of a private charter under which there is vested rights, the committee are of opinion that if the law did pass, it would be void; they therefore recommend that the same do not pass.

N. MINER,
Chairman.

Mr. Crew, from the committee on public lands, submitted the following report:

MR. PRESIDENT:—Your committee on public lands, to whom was referred House Bill No. 44, being a memorial to Congress asking for the location of a land office in the Sioux Valley, have had the same under consideration, and would respectfully report the same back with the recommendation that it do not pass

E. B. CREW,
Chairman.

Mr. Flick, from the committee on Federal relations, submitted the following report:

MR. PRESIDENT:—Your committee on Federal relations, to whom was referred Council Bill No. 44, have had the same under consideration, and report the same back, and would ask that it do pass.

J. D. FLICK,
Chairman.

Mr. Lawrence, from the committee on public printing, submitted the following report:

MR. PRESIDENT:—Your committee on public printing to whom was referred a joint resolution relative to public printing, have had the same under consideration, and report a

substitute bill with the recommendation that it do pass.

JOHN LAWRENCE,
Chairman.

Mr. Gehon, from the committee on engrossed bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed bills, to whom was referred Council Bill No. 16, an act exempting certain property from sale upon execution or otherwise, have carefully examined the same and find it correctly engrossed.

J. GEHON,
Chairman.

Mr. McIntyre, from the committee on immigration, submitted the following report:

MR. PRESIDENT:—Your committee on immigration to whom was referred Council Bill No. 69, entitled a bill for an act for the payment of Frank Bem, as commissioner of immigration, would report the same back with the following amendment, and recommend that it do pass: In third line of Section 1, after the word "of," insert one hundred and fifty in lieu of two hundred.

C. H. MCINTYRE,
Chairman.

Mr. Mason, from special committee, submitted the following report:

MR. PRESIDENT:—Your special committee to whom was referred a resolution relating to the information received of the contesting of our Delegate's seat in Congress by W. W. Brookings, have had the same under consideration, and would report back a substitute with the recommendation that it do pass.

(Signed)

JAS. MASON, *Chairman*,
D. T. BRAMBLE.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 34, entitled an act to locate and establish a Territorial road from Sioux Falls to White Earth and Ft. Thompson via Rockport, Hanson county, D. T.;

Council Bill No. 35, entitled an act to repeal chapter one of the laws of 1868-9, entitled an act to establish a code of crim-

inal procedure for Dakota Territory, approved January 12, 1869, and for other purposes; and also

Council Bill No. 37, entitled a memorial to the Postmaster General of the United States praying that the mail service on route No. —, from Ft. Randall to Ft. Sully, D. T., be increased to three times a week, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bills No. 20, 36, 50, 51 and 59, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bills No. 21, 54 and 61, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bills No. 29, 35, 37, 52, 55 and 64, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 8, entitled an act to incorporate the city of Yankton, Dakota Territory, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have to report that on this day, at 2½ o'clock P. M., they did hand to his excellency, the Governor, for his action thereon, the following Council Bills: Nos. 34, 35, 37 and 50.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have to report that on this day, at 3 o'clock P. M., they did hand to his excellency, the Governor, for his action thereon, Council

Bill No. 8, entitled an act to incorporate the city of Yankton, Dakota Territory.

E. STUTSMAN,
Chairman.

COMMUNICATION FROM THE HON. SECRETARY OF THE TERRITORY.

The following communication was received from the Secretary:

SECRETARY'S OFFICE,
Yankton, January 8, 1873. }

HON. ALEX. HUGHES,
President of the Council:

SIR:—I beg leave to inform the members of your honorable body, that I am now prepared to furnish each of them with a copy of the laws of Dakota for the years 1870-71; also a copy of each Council and House Journal for the same year.

Very Respectfully,

EDWIN S. McCOOK,
Secretary of Dakota.

BILLS REPORTED BACK BY COMMITTEES.

Council Bill No. 66, entitled a bill for an act to amend the school law of the Territory of Dakota, approved January 11, 1871, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes 2, as follows:

Those voting in the affirmative, were.

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, Miner, Smith, Stevens and Mr. President.

Messrs. Lawrence and McIntyre voted in the negative.

Mr. Stutsman not voting.

So the bill was passed.

The question then being on agreeing to its title, and it being put.

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

House File No. 34, entitled a bill for an act to repeal an act to establish a code of civil procedure, approved May, 1862; also to amend an act to simplify and abridge the practice and proceedings of the courts of this Territory, passed at the seventh session, and for other purposes, reported back by the committee on judiciary, with amendments,

Was taken up, and

On motion of Mr. Stutsman,

The report of the committee was adopted.

Accordingly the bill was then

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 8; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Crew, Flick, McIntyre, Miner, Smith, Stevens and Stutsman.

Those voting in the negative, were

Messrs. Cooley, Lawrence, Mason and Mr. President.

Mr. Gehon not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in said amendments.

Council Bill No. 61, entitled a bill for an act relative to the practice, pleadings and proceedings in the district courts, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 9; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Crew, Flick, Gehon, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Cooley, Lawrence and Mason.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Council Bill No. 63, entitled a bill for an act to define the jurisdiction of the courts of justices of the peace, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from his excellency, the Governor, by his private secretary:

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 8, 1873. }

MR. PRESIDENT:—I have the honor to transmit herewith communications from his excellency, the Governor, informing you of his action on certain bills originating in your branch of the General Assembly.

Very Respectfully,

Your Ob't Serv't,

A. W. HOWARD,

Private Secretary.

EXECUTIVE OFFICE, YANKTON, }
DAKOTA TERRITORY; Jan. 8, 1873. }

HON. ALEX. HUGHES,

President of the Council,

SIR:—I have the honor to state that I have approved the following bills originating in your branch of the General Assembly:

Council Bill No. 34, an act to locate and establish a Territorial road from Sioux Falls to White Earth river and Ft. Thompson via Rockport, Hanson county, D. T.;

Council Bill No. 50, an act legalizing the acts of the county commissioners, and of the register of deeds of Buffalo county, in leasing J. R. Hanson a ferry charter across the Missouri river.

Very Respectfully, &c.,

JOHN A. BURBANK,

Governor.

EXECUTIVE OFFICE, }
Yankton, D. T., Jan. 8, 1873. }

HON. ALEX. HUGHES,

President of the Council,

SIR:—I have the honor to inform you that I have this day signed and approved Council Bill No. 35, an act to repeal chapter 1 of the laws of 1868-69;

Council Bill No. 37, a memorial to the Postmaster General relating to mail service—Fort Randall and Fort Sully;

Council Bill No. 8, an act to incorporate the city of Yankton.

Respectfully,

Your Ob't Serv't,

JOHN A. BURBANK,

Governor.

EXECUTIVE OFFICE, }
Yankton, D. T., Jan. 8, 1873. }

HON. ALEX. HUGHES,

President of the Council,

SIR:—I have the honor to inform you that I have signed and approved the following bills:

Council Bill No. 6, an act relating to sales of personal property;

Council Bill No. 39, an act relating to paupers;
Council Bill No. 13, an act relating to acknowledgment of
deeds, &c.

Very Respectfully,
Your Ob't Serv't,
JOHN A. BURBANK,
Governor.

ADJOURNMENT.

On motion of Mr. Bramble,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

THIRTY-NINTH DAY.

COUNCIL CHAMBER, }
Thursday, Jan. 9, 1873. }

Council met pursuant to adjournment, and was called to
order by

Mr. President in the chair.

Prayer by the chaplain.

Roll called.

Members all present.

On motion of Mr. Flick,

The reading of yesterday's Journal was dispensed with.

MOTIONS AND RESOLUTIONS.

Mr. Mason submitted the following resolution, which was
read, considered and agreed to:

Resolution relative to one piece of ordnance in Clay county, and one piece of ordnance in Union county—

Resolved, That C. F. Mallahan, of the county of Union, is hereby made chief of ordnance for said county of Union, and that one brass field-piece, now in the aforesaid county, is hereby placed in his custody; and that Charles H. True, of the county of Clay, is hereby made chief of ordnance in and for said county, and that one brass field-piece, now in the county of Clay, is placed in his custody for safe keeping.

INTRODUCTION OF BILLS.

Mr. Stutsman, by consent, without previous notice, introduced Council Bill No. 74, entitled a memorial to the Congress of the United States, asking that an additional land office be erected in the northern portion of Dakota Territory,

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. Stevens introduced Council Bill No. 75, entitled a bill for an act to incorporate the city of Elk Point, Dakota Territory, notice of which had been given by Mr. Hughes,

Read a first and second times, and

On motion of Mr. Lawrence,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr.
President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

Mr. Stevens, by consent, without previous notice, intro-
duced Council Bill No. 76, entitled an act relative to the re-
locating of county seats,

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof,
the bill was

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 7; noes 6, as follows:

Those voting in the affirmative, were

Messrs. Crew, Mason, McIntyre, Miner, Smith, Stevens and
Stutsman.

Those voting in the negative, were

Messrs. Bramble, Cooley, Flick, Gehon, Lawrence and Mr.
President.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 77, entitled a memorial to Congress, for codification of the laws of Dakota Territory,

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on judiciary.

Mr. Crew, by consent, without previous notice, introduced Council Bill No. 78, entitled a bill for an act authorizing the commissioner of immigration to advertise the Territory of Dakota,

Read a first and second times, and

On motion of Mr. Bramble,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative,

Ayes 12; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Gehon voted in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. McIntyre introduced Council Bill No. 79, entitled a memorial to Congress praying for an appropriation to erect a Capitol Building in Dakota Territory,

Read a first and second times, and

On motion of Mr. McIntyre,

The rules were suspended and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Gehon not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. McIntyre, by consent, without previous notice, introduced Council Bill No. 80, entitled a bill authorizing the Territorial Treasurer to collect the Territorial tax on certain railroads under certain cases,

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. McIntyre, by consent, without previous notice, introduced Council Bill No. 81, entitled a bill authorizing the trial

of all causes in the county of Yankton before the United States juries,

Read a first and second times, and

On motion of Mr. Lawrence,

Referred to the committee on judiciary.

UNFINISHED BUSINESS.

Bills reported by committees, January 8, 1873.

House File No. 44, entitled a memorial to Congress, asking for the location of a land office in the Sioux Valley, reported back by the committee on public lands,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 8; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Gehon, Lawrence, Smith, Stevens and Stutsman.

Those voting in the negative, were

Messrs. Crew, Mason, McIntyre, Miner and Mr. President.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

On motion of Mr. Miner, (by consent,)

The vote by which House File No. 24, entitled a bill for an act to prohibit the sale or giving away of liquors on any election day, was passed on the 8th inst., was reconsidered, and

On motion of Mr. Stutsman,

The said bill was recommitted to the committee on judiciary.

Whereupon, Mr. Miner, from the committee on judiciary, by consent, submitted the following report:

MR. PRESIDENT:—Your committee on judiciary, to whom was referred House File No. 24, have had the same under consideration, and beg leave to report it back to the Council

with the following amendment, and recommend that the said bill, as amended, do pass.

Strike out the words "with intent to evade the law," in section one, second line.

N. MINER,
Chairman.

On motion of Mr. Stutsman,

The report of the committee was adopted.

Accordingly the bill was then

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 9; noes 4, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Mason, McIntyre, Miner, Stevens and Mr. President.

Those voting in the negative, were

Messrs. Gehon, Lawrence, Smith and Stutsman.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in said amendment.

Council Bill No. 16, entitled a bill for an act exempting certain property from sale upon execution or other process, reported correctly engrossed,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"—

It was decided in the negative.

Ayes 5; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Gehon, Mason and Mr. President.

Those voting in the negative, were

Messrs. Crew, Flick, Lawrence, McIntyre, Miner, Smith, Stevens and Stutsman.

So the bill was not passed.

Council Bill No. 44, entitled a memorial to his excellency, the President of the United States, reported back by the committee on Federal relations,

Was taken up, and

On motion of Mr. McIntyre,
Indefinitely postponed.

Council Bill No. 68, (substitute) entitled joint resolution relative to printing, reported by committee on public printing,

Was then taken up, and

On motion of Mr. Mason,

The substitute bill was adopted.

Accordingly the bill was then

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the negative.

Ayes 6; noes 7, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Lawrence, Mason and Smith.

Those voting in the negative, were

Messrs. Crew, Gehon, McIntyre, Miner, Stevens, Stutsman and Mr. President.

So the bill was not passed.

Council Bill No. 69, entitled a bill for an act for the payment of Frank Bem, as commissioner of immigration, reported back by the committee on immigration, with amendment,

Was taken up, and

On motion of Mr. Stutsman,

The report was adopted.

Whereupon, on motion of Mr. Bramble,

Ordered, That said bill be engrossed for a third reading tomorrow.

Council Bill No. 5, entitled a bill for an act to repeal sections 6, 7 and 8, of chapter 5, of the session laws of 1866-67, approved January 11th, 1867, and for other purposes, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 8; noes 5, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Flick, Gehon, Lawrence, Mason, Smith,
Stevens and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Crew, McIntyre, Miner and Stutsman.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

The resolution reported by special committee as a substitute for the resolution submitted by Mr. Lawrence on the 7th inst., relative to contesting the seat of M. K. Armstrong, Delegate in Congress,

Was taken up for consideration, and

The question being upon agreeing thereto,

And it being put,

It was decided in the affirmative.

Ayes 7; noes 6, as follows:

The ayes and noes being desired by two members, and ordered,

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Flick, Lawrence, Mason, Stevens
and Mr. President.

Those voting in the negative, were

Messrs. Crew, Gehon, McIntyre, Miner, Smith and Stutsman.

So the substitute resolution was adopted.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES,
Yankton, January 9, 1873. }

MR. PRESIDENT:—I am directed to inform you that the

House has this day passed Council Bills, as follows:

No. 10, a bill for an act to organize a system of township government for the Territory of Dakota;

No. 11, a bill for an act to provide against the evils resulting from the sale of intoxicating liquors in the Territory of Dakota;

No. 55, a bill for an act concerning gambling in Dakota Territory;

No. 64, a bill for an act for taking the census of Dakota Territory, for the year 1874; and

No. 63, a bill for an act to define the jurisdiction of the courts of justices of the peace; which bills are herewith returned.

Also that the House has this day passed House Files, as follows:

No. 86, a memorial to Congress praying for an appropriation to codify the general laws of Dakota Territory; and

No. 78, a bill for an act entitled an act to define the 5th Council and Representative District; which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

C. F. MALLAHAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Yankton, Jan. 9, 1873. }

MR. PRESIDENT:—I am directed to inform you that the House did on the 7th inst., pass House File No. 77, an act in amendment of, and supplemental to a bill to establish the boundaries of certain counties of the Territory, and to organize certain counties, and for other purposes;

Also, that the House did, on the 8th inst., pass House Files, as follows:

No. 72, a memorial to Congress, asking for right of way for the Dakota, Black Hills & Eden Railroad Company;

No. 78, an act to amend chapter 6 of the session laws of 1868-69;

No. 79, an act to amend section 5 of chapter 6, of the session laws of 1868-69;

No. 80, a bill defining the duties of county treasurers in the Territory of Dakota;

No. 82, a memorial to the Congress of the United States, praying for the establishment of a mail route from Fort Sully via Grand River Agency, Fort Rice and Burleigh, to Fort McKean; and

No. 83, a bill for an act authorizing the Yankton County Agricultural Society to issue bonds to purchase a Fair Ground;

Also that the House has this day passed House File No. 85, a bill for an act to amend sections 30 and 51 of an act concerning revenue, approved Jan. 12, 1869; which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

Also that the House did, on the 8th inst., pass Council Bills, as follows:

No. 62, a bill for an act vacating a portion of the levee of the town of Vermillion, D. T.; and

No. 65, joint resolution, asking an appropriation for the Auditor and Treasurer of Dakota Territory;

Also that the House has this day passed Council Bills, as follows:

No. 66, a bill to amend the school law of the Territory of Dakota, approved Jan. 11, 1871;

No. 71, a bill for an act to increase the salary of the Treasurer and Auditor of the Territory of Dakota;

No. 72, a bill for an act to establish commissioner and assessor districts in Union county, D. T.; and

No. 73, a memorial to Congress, praying for an appropriation to aid in building a penitentiary in the Territory of Dakota; which bills are herewith returned.

Also that the House did, on the 8th inst., indefinitely postpone Council Bill No. 60, a bill for an act relative to a portion of the Territorial library.

G. F. MALLAHAN,
Chief Clerk.

Ordered, That said Council Bills numbered 10, 11, 55, 64, 63, 62, 65, 66, 71, 72 and 73 be enrolled.

Mr. Bramble in the chair.

HOUSE FILES ON FIRST READING.

House File No. 87, entitled a bill for an act entitled an act to define the 5th Council and Representative District,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stevens,

Referred to a special committee consisting of

Messrs. Stevens, Flick and Cooley.

House File No. 86, entitled a memorial to Congress, praying for an appropriation to codify the general laws of Dakota Territory,

Was taken up and

Read a first and second times, and

On motion of Mr. Hughes,

Referred to the committee on judiciary.

House File No. 72, entitled a memorial to Congress, asking for right of way for the Dakota, Black Hills & Eden Railroad Company,

Was taken up, and

Read a first and second times, and

On motion of Mr. Lawrence,

Referred to the committee on railroads.

House File No. 77, entitled an act in amendment of and supplemental to a bill to establish the boundaries of certain counties of the Territory, and to organize certain counties, and for other purposes,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative,

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 78, entitled an act to amend chapter 6 of the session laws of 1868-69,

Was taken up, and

Read a first and second times, and

On motion of Mr. Hughes,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 79, entitled an act to amend section 5 of chapter 6 of the session laws of 1868-69,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stevens,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative,

Ayes 13; noes none, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr.
President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,
And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 80, entitled a bill defining the duties of
county treasurers in the Territory of Dakota,

Was then taken up, and

Read a first and second times, and

On motion of Mr. Mason,

Referred to the committee on judiciary.

House File No. 82, entitled a memorial to the Congress of
the United States, praying for the establishment of a mail
route from Fort Sully via Grand River Agency, Fort Rice and
Burleigh, to Fort McKean,

Was taken up, and

Read a first and second times, and

On motion of Mr. Flick,

The rules were suspended and under the operation thereof,
the bill was

Read a third time.

The question then being on its passage, and it being put.
“shall the bill pass?”

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. McIntyre not voting.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it be-
ing put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 83, entitled a bill for an act authorizing the Yankton County Agricultural Society to issue bonds to purchase a Fair Ground,

Was taken up, and

Read a first and second times,

On motion of Mr. Crew,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Mason, Miner, Smith, Stutsman and Mr. President.

Messrs. Lawrence, McIntyre and Stevens not voting.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 85, entitled a bill for an act to amend sections 30 and 51 of an act concerning revenue, approved Jan. 12, 1869,

Was taken up, and

Read a first and second times, and

On motion of Mr. Miner,

Referred to the committee on judiciary.

Mr. President in the chair.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 10, entitled an act to organize a system of township government for the Territory of Dakota; also

Council Bill No. 11, entitled an act to provide against the

evils resulting from the sale of intoxicating liquors in the Territory of Dakota; also

Council Bill No. 55, entitled an act concerning gambling in Dakota Territory;

Council Bill No. 63, entitled an act to define the jurisdiction of the courts of justices of the peace; and also

Council Bill No. 64, entitled an act for taking the census of Dakota Territory for the year 1874; and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 62, entitled an act vacating a portion of the levee of the town of Vermillion, D. T.; also

Council Bill No. 65, entitled a joint resolution asking for an appropriation for the Auditor and Treasurer of Dakota Territory; also

Council Bill No. 66, entitled an act to amend an act entitled an act to establish a public school law for the Territory of Dakota; also

Council Bill No. 71, entitled an act to increase the salary of the Treasurer and Auditor of the Territory of Dakota; also

Council Bill No. 72, entitled an act to establish commissioner and assessor districts in Union county, D. T.; and also

Council Bill No. 73, entitled a memorial to Congress, praying for an appropriation to aid in building a penitentiary in the Territory of Dakota; and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have to report that they did on this day, at 5 o'clock P. M., hand to his excellency, the Governor, for his approval, the following Council Bills: Nos. 10, 11, 55, 63 and 64.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have to report that on this day, at 4½ o'clock P. M., they did hand to his excellency, the Governor, for his action thereon, the

following Council Bills: Nos. 62, 65, 66, 71 and 73.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 9, entitled an act to amend section 11 of chapter 15, of the statutes of this Territory, approved January 11, 1865; also

Council Bill No. 56, entitled a memorial to the Postmaster General of the United States, praying that service on that part of route No. 13992, from Yankton to Ft. Randall, D. T., from Springfield to Ft. Randall, be increased to six times a week; also

Council Bill No. 58, entitled a memorial to the Secretary of the Interior, asking that Yankton be made a point of supplies for the Government; also

Council Bill No. 54, entitled an act to establish a Territorial road from Rockport, in Hanson county, via Wicklow and Flandreau, to Minnesota State line; and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have to report that on this day, at 3 o'clock P. M., they did hand to his excellency, the Governor, Council Bills Nos. 9, 56, 58 and 54, for his action thereon.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bills No. 45, 47, 48, 62, 63, 65, 66, 74, 71, 33 and 53; and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from his excellency, the Governor:

EXECUTIVE OFFICE, YANKTON, }
DAKOTA TERRITORY, Jan. 9, 1873. }

HON. ALEX. HUGHES,
President of the Council,

SIR:—I have the honor to inform you that I have this day

approved the following named memorials and bills originating in your branch of the Legislative Assembly:

Council Bill No. 56, a memorial to the Postmaster General of the United States, praying that service on that part of route No. 13902, from Yankton to Fort Randall, D. T., from Springfield to Fort Randall, D. T., be increased to six times a week;

Council Bill No. 58, a memorial to the Secretary of the Interior, asking that Yankton be made a point of supplies for the Government;

Council Bill No. 54, an act to establish a Territorial road from Rockport, in Hanson county, via Wicklow and Flandreau, to Minnesota State line.

Very Respectfully,

Your Ob't Serv't,

JOHN A. BURBANK,

Governor.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }
Yankton, January 9, 1873. }

MR. PRESIDENT:—I am directed to inform you that the House has this day passed House Files, as follows:

No. 88, a bill for an act to attach certain counties to Bon Homme county for judicial and other purposes; and

No. 89, a bill for an act to apportion the representation to which the 7th Council and Representative District is now entitled, to the 6th Council and Representative District; which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

Also that the House has this day concurred in Council amendments to the following House Bills:

No. 56, an act to amend chapter 3 of title 4, of the civil code, approved January 12, 1866; also to

No. 68, joint resolution providing for the payment of the

enrolling and committee clerks of the tenth session of the Dakota Legislature,

C. F. MALLAHAN,
Chief Clerk.

HOUSE OF REPRESENTATIVES, }
Yankton, Jan. 9, 1873. }

MR. PRESIDENT:—I am instructed to inform you that the House has this day passed Council Bills, as follows:

No. 74, a memorial to the Congress of the United States, asking that an additional land office be created in the northern portion of Dakota Territory; also

No. 75, a bill for an act to incorporate the city of Elk Point, Dakota Territory; which bills are herewith returned.

Also that the House has this day concurred in Council amendments to House File No. 34, an act to repeal an act to establish a code of civil procedure, approved May, 1862; also to amend an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, passed at the seventh session, and for other purposes.

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said Council Bills numbered 74 and 75 be enrolled.

Mr. Bramble moved that when the Council adjourn it adjourn until to-morrow at 10 o'clock A. M.

Which motion was agreed to.

ADJOURNMENT.

On motion of Mr. Bramble,
The Council adjourned.

ALEXANDER HUGHES,
President.

Attest:

GEO. I. FOSTER,
Secretary.

FORTIETH DAY.

COUNCIL CHAMBER. }
Friday, Jan. 10, 1873. }

Council met pursuant to adjournment, and was called to order by

Mr. President in the chair.

Roll called.

Members all present.

On motion of Mr. Crew,

The reading of yesterday's Journal was dispensed with.

COMMUNICATIONS FROM THE GOVERNOR.

The following communications were received from the Governor:

EXECUTIVE OFFICE, }
Yankton, D. T., Jan. 10, 1873. }

HON. ALEX. HUGHES,

President of the Council,

SIR:—I have the honor to inform you that I have this day signed and approved the following bills:

Council Bill No. 66, an act concerning public school law.

Council Bill No. 55, an act concerning gambling;

Council Bill No. 64, an act relating to the census;

Council Bill No. 10, an act to organize townships;

Council Bill No. 11, an act concerning the sale of liquors;

Council Bill No. 63, an act concerning justices of the peace.

Very Respectfully, &c.,

JOHN A. BURBANK,

Governor.

EXECUTIVE OFFICE, }
Yankton, D. T., Jan. 9, 1873. }

HON. ALEX. HUGHES,

President of the Council:

SIR:—I have the honor to inform you that I have this day

signed and approved the following bills:

Council Bill No. 62, an act relating to the levee at Vermilion;

Council Bill No. 72, an act to establish a commissioner and assessor district in Union county.

Very Respectfully, Yours,

JOHN A. BURBANK,

Governor.

MOTIONS AND RESOLUTIONS.

Mr. Bramble submitted the following resolution, which was read, considered and agreed to:

Resolved, The House concurring, that this Legislative Assembly will adjourn *sine die* at 4 o'clock P. M. this day.

Ordered, That the Secretary acquaint the House therewith.

On motion of Mr. Mason,

Messrs. Bramble, Lawrence and Flick were appointed a committee to transmit to the proper persons, copies of the resolution relative to contesting the seat of M. K. Armstrong, Delegate in Congress.

Mr. Gehon submitted the following resolution, which was read, considered and agreed to:

Resolved, That the commissioner of immigration is hereby requested to forward by mail or otherwise, to each member of this Council, 20 copies of his pamphlet on immigration, to be distributed by them.

Mr. Bramble submitted the following resolution, which was read, considered and agreed to:

Resolved, That to our worthy President, Hon. Alexander Hughes; our Secretary, Geo. I. Foster; Assistant Secretary, J. P. Walters, and the subordinate officers of this Council, we tender our thanks for the able, prompt and efficient manner in which they have performed their several duties, trusting that each and all may hereafter enjoy the esteem and confidence of the public in the same measure in which it is bestowed by the members of this body.

Mr. Crew submitted the following resolution, which was read, considered and agreed to:

Resolved, That the thanks of the Council are due to Hon. E. S. McCook, Secretary of our Territory, for the promptness and ability with which he has discharged his duties in his official relations to our body during the present session; that

his uniform courtesy has commanded our respect, and his kindness and attention have won our warmest personal regards.

Mr. Stutsman submitted the following resolution, which was read, considered and agreed to:

Resolved, That in consideration of the uniform courtesy and kindness which has been manifested toward members of this body by his excellency, Governor John A. Burbank, and for the disposition he has continually exhibited in contributing his efforts and counsel in furthering and promoting the business of this Council, we tender to him our highest regards and heartfelt thanks.

INTRODUCTION OF BILLS.

Mr. Miner, by consent, without previous notice, introduced Council Bill No. 82, entitled a bill for an act to amend an act entitled an act to establish the courts and define the jurisdiction of justices of the peace, approved January 4th, 1866,

Read a first and second times, and

On motion of Mr. Miner,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. Flick, by consent, without previous notice, introduced Council Bill No. 83, entitled a memorial to Congress, praying that Yankton be made a port of entry, and that a marine hospital be erected at said city of Yankton,

Read a first and second times, and

On motion of Mr. Flick,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

UNFINISHED BUSINESS.

House Files on first reading, read Jan. 9th.

House File No. 88, entitled a bill for an act to attach certain counties to Bon Homme county for judicial and other purposes,

Was taken up and

Read a first and second times, and

On motion of Mr. Bramble,

Referred to the committee on elections.

House File No. 89, entitled a bill for an act to apportion the representation to which the 7th Council and Representative District is now entitled to the 6th Council and Representative District,

Was taken up, and

Read a first and second times.

REPORT OF COMMITTEE.

Mr. Gehon, from the committee on engrossed bills, by consent, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed bills have examined Council Bill No. 69, entitled a bill for an act for the payment of Frank Bem, as commissioner of immigration, and find the same correctly engrossed.

J. GEHON,
Chairman.

Thereupon, the said bill was
Read a third time.

The question then being on its passage, and it being put,
“shall the bill pass,”

It was decided in the negative.

Ayes 4; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Lawrence McIntyre and Stutsman.

Those voting in the negative, were

Messrs. Bramble, Crew, Flick, Mason, Miner, Smith, Stevens and Mr. President.

Mr. Gehon not voting.

So the bill was not passed.

Council Bill No. 43, entitled a bill for an act to amend title 11 of an act entitled an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, by adding the following chapter, reported back by the committee on judiciary, January 6th, and on the 8th inst. postponed until January 9th, at 2½ P. M.,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put,
“shall the bill pass,”

It was decided in the negative.

Ayes 4; noes 8, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Lawrence, Smith and Mr. President.

Those voting in the negative, were

Messrs. Crew, Flick, Gehon, Mason, McIntyre, Miner, Stevens and Stutsman.

Mr. Cooley not voting.

So the bill was not passed.

RECESS.

At 12 o'clock M., Mr. Bramble moved that the Council take recess until half past 2 o'clock P. M.

Which motion was agreed to.

AFTER RECESS.

Council called to order at the hour designated by
Mr. President in the chair.
Prayer by the chaplain.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
Yankton, January 10, 1873. }

MR. PRESIDENT:—I am directed to inform you that the House has this day appointed a committee of three, consisting of Messrs. Williams, Turner and Wood, to act in conjunction with a like committee on the part of the Council in designating the time for the final adjournment of the two Houses.

C. F. MALLAHAN,
Chief Clerk.

Mr. Stutsman submitted the following resolution, which was read, considered and agreed to:

Resolved, That a committee of three be appointed by the chair, to confer with the committee on the part of the House, in order to agree upon the hour of adjournment of the two Houses, *sine die*.

Messrs. Stutsman, Flick and Miner were appointed such committee.

Ordered, That the Secretary acquaint the House therewith.

REPORTS OF COMMITTEES.

Mr. Miner, from the committee on judiciary, submitted the following reports:

MR. PRESIDENT:—The committee on judiciary to whom was referred House File No. 69, it being a bill for an act to prevent accidents at railroad crossings, would respectfully recommend that said bill do pass. •

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred House File No. 85, it being a bill for an act to amend

sections 30 and 51 of an act concerning revenue, as approved Jan. 12, 1869, have had the same under consideration, and recommend the following amendment, to-wit:

Strike out the word "five" in the seventh line of the 1st section of said bill, and insert in lieu thereof, the word "three."

With said amendment, the committee recommend that the bill do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary, to whom was referred House File No. 86, it being a memorial to Congress, praying for an appropriation to codify the general laws of Dakota Territory, have had the same under consideration, and report the same back to the Council with the recommendation that the same do pass.

NELSON MINER,
Chairman.

MR. PRESIDENT:—The committee on judiciary have had under consideration Council Bill No. 81, it being a bill authorizing the trial of all cases in the county of Yankton before the United States juries, beg leave to report that they have had the same under consideration, and recommend that said bill be amended as follows, to-wit:

Section three to be section four, and in lieu of section three there be inserted, "This act shall apply to the counties of Clay and Pembina, of Dakota Territory, the same as to Yankton county."

With said amendments, a majority of said committee recommend that said bill do pass.

NELSON MINER,
Chairman.

Mr. Lawrence, from the committee on elections, submitted the following report:

MR. PRESIDENT:—Your committee on elections, to whom was referred House File No. 88, an act to attach certain counties to Bon Homme for judicial and election purposes, have had the same under consideration, and herewith report the same back without recommendation.

JOHN LAWRENCE,
Chairman.

Mr. Crew, from the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture, to whom was referred House Bill No. 42, being an act to protect game in the Territory of Dakota, have had the same under consideration, and would respectfully report it back with the recommendation that it do pass.

E. B. CREW,
Chairman.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 74, entitled a memorial to the Congress of the United States, asking that an additional land office be created in the northern portion of Dakota Territory; also

Council Bill No. 75, entitled an act to incorporate the city of Elk Point, Dakota Territory; and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have to report that they did on this day, at 10½ o'clock A. M., hand to his excellency, the Governor, Council Bills Nos. 74 and 75, for his action thereon.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bills No. 7, 44, 56, 77, 78, 79, 82 and 83; and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

Mr. Flick, from the committee on Federal relations, submitted the following report:

MR. PRESIDENT:—Your committee on Federal relations, to whom was referred Council Bill No. 42, a memorial to the Senate and House of Representatives, would respectfully re-

port they have duly considered the same, and recommend its indefinite postponement.

J. D. FLICK,
Chairman.

Mr. Lawrence, from the committee on public printing, submitted the following report:

MR. PRESIDENT:—Your committee on public printing, to whom was referred Council Bill No. 52, have had the same under consideration, and herewith respectfully report the same back to the Council with the recommendation that it do not pass.

JOHN LAWRENCE,
JAS. MASON,
D. T. BRAMBLE.

Mr. Lawrence, from the committee on railroads, submitted the following reports:

MR. PRESIDENT:—Your committee on railroads, to whom was referred House File No. 75, a memorial to Congress, asking aid for the Dakota, Pacific & Missouri River Railroad Company, have had the same under consideration, and herewith report the same back with the recommendation that it do pass.

JOHN LAWRENCE,
Chairman.

MR. PRESIDENT:—Your committee on railroads, to whom was referred House File No. 72, a memorial to Congress, asking for right of way for the Dakota, Black Hills & Eden Railroad Company, have had the same under consideration, and herewith respectfully report the same back with an amendment, and recommend its passage.

JOHN LAWRENCE,
Chairman.

MR. PRESIDENT:—Your committee on railroads, to whom was referred House File No. 67, a memorial to Congress, asking for a grant of land to aid the Dakota Southern Railroad Company, have had the same under consideration, and herewith report the same back with the recommendation that the bill do not pass.

JOHN LAWRENCE,
Chairman.

MR. PRESIDENT:—Your committee on railroads, to whom was referred House File No. 58, an act to authorize the Dakota Southern Railroad Company to make and construct side tracks or switches to the Missouri river, have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

JOHN LAWRENCE,
Chairman.

Mr. Stevens, from the committee on railroads, submitted the following majority report:

MR. PRESIDENT:—Your committee on railroads, to whom was referred House Bill 57, a memorial to the Congress of the United States, praying for a grant of lands to enable the Dakota Southern Railroad Company to continue its line of railroad from Yankton via the river, and north of the Big Cheyenne river, to connect with the Northern Pacific Railroad, in the valley of the Yellowstone, have had the same under their consideration, and a majority of whom have agreed to report the same back to the Council, recommending its passage; and would further state that they believe that the passage of this bill would be to the best interests of the people of Dakota.

O. F. STEVENS,
E. B. CREW.

Mr. Bramble, from select committee, submitted the following report:

MR. PRESIDENT:—Your special committee of seven, to whom was referred Council Bill No. 67, an act to enable counties, cities, towns and townships to vote aid to any railroad, and to provide for the payment of the same, would most respectfully report that they have examined the same, and believe that it is dangerous (if not illegal) legislation to confer upon a few people, who may first occupy a county or other legal corporation, the power to mortgage the property of the citizens who may settle upon the lands afterwards, and that it is a doubtful power to provide that a majority may take the property of the minority without their consent; we recommend that the bill do not pass.

D. T. BRAMBLE, *Chairman*,
J. D. FLICK,
E. STUTSMAN,
J. GEHON,
HENRY SMITH,
JOS. MASON,
H. P. COOLEY.

Mr. Cooley, from select committee, submitted the following report:

MR. PRESIDENT:—Your select committee, to whom was referred House File No. 14, for an act to establish a Territorial road from the city of Yankton to Rockport, Hanson county, have had the same under careful consideration, and report the same back with the recommendation that the bill do not pass.

H. P. COOLEY,
JOHN LAWRENCE.

Mr. Cooley, from select committee, appointed to investigate the outrage perpetrated on the Hon. E. B. Crew, submitted the following report:

MR. PRESIDENT:—Your select committee, to whom was referred the matter of the late outrage committed upon the Hon. E. B. Crew, of this Council, beg leave to report that for some time they have used due diligence in procuring any evidence that would fix the guilt of the dastardly act upon any particular person or persons; but your committee have failed to procure such evidence as would warrant them in giving the name or names of the party or parties committing the act; and therefore, at this late date, can only report the subject matter back to the Council, with the request to be relieved from any further consideration of the same.

H. P. COOLEY,
Chairman.

On motion of Mr. Gehon,

The committee were discharged from further consideration of the matter.

Mr. Stevens, from select committee, submitted the following report:

MR. PRESIDENT:—Your select committee, to whom was referred House Bill No. 87, an act entitled an act to define the 5th Council and Representative District, have had the same under consideration, and report the same back to the Council with an amendment, recommending that the bill do pass, as amended.

O. F. STEVENS,
Chairman.

Mr. McIntyre, from the committee on education, submitted the following report:

MR. PRESIDENT:—Your committee on education, to whom was referred substitute House Bill No. 15, an act to amend an act entitled an act to establish a public school law for the Territory of Dakota; and

Council Bill No. 21, an act to amend an act entitled an act to establish a public school law, for the Territory of Dakota, have had the same under consideration, and would report the same back without recommendation.

C. H. MCINTYRE,
Chairman.

Mr. Miner, from the committee on judiciary, submitted the following report:

MR. PRESIDENT:—The committee on judiciary have had under consideration Council Bills No. 51 and 77, and recommend said bills do pass; also House File No. 80, and recommend said bill do not pass.

NELSON MINER,
Chairman.

BILLS REPORTED FROM COMMITTEES.

House File No. 69, entitled a bill for an act to prevent accidents at railroad crossings, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 85, entitled a bill for an act to amend sections 30 and 51, of an act concerning revenue, approved January 12, 1869, reported back by the committee on judiciary, with amendment,

Was taken up, and

On motion of Mr. Miner,

The report of the committee was adopted.

Accordingly the bill was then

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in said amendment.

House File No. 86, entitled a memorial to Congress, praying for an appropriation to codify the general laws of Dakota Territory, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative,

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,
The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

Council Bill No. 81, entitled a bill authorizing the trial of all causes in the county of Yankton before the United States juries. reported back by the committee on judiciary, with amendment,

Was taken up, and
On motion of Mr. Stutsman,
The report of the committee was adopted.
Whereupon, on motion of Mr. Miner,
Said bill was considered engrossed and
Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence,
Mason, McIntyre, Miner, Smith, Stutsman and Mr. President.

None voting in the negative.

Mr. Stevens not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith,
and request concurrence therein.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from his excellency, the Governor:

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 10, 1873. }

HON. ALEX. HUGHES,

President of the Council,

SIR:—I have the honor to inform you that I have this day approved the following bills, which have originated in your branch of the Legislative Assembly:

Council Bill No. 74, a memorial to the Congress of the United States, asking that an additional land district be created in the northern portion of the Territory;

Council Bill No. 75, an act to incorporate the city of Elk Point;

Council Bill No. 9, an act to amend section 11 of chapter 15, of the statutes of this Territory, approved Jan. 11, 1865.

Very Respectfully,

Your Ob't Serv't,

JOHN A. BURBANK,

Governor.

House File No. 88, entitled a bill for an act to attach certain counties to Bon Homme county for judicial and other purposes, reported back by the committee on elections,

Was taken up and

On motion of Mr. Bramble,

Indefinitely postponed.

Ordered, That the Secretary acquaint the House therewith.

House File No. 42, entitled a bill for an act to protect game in the Territory of Dakota, reported back by the committee on agriculture,

Was taken up, and

On motion of Mr. Bramble,

Indefinitely postponed.

Ordered, That the Secretary acquaint the House therewith.

Council Bill No. 42, entitled a memorial to the Senate and House of Representatives in Congress assembled, reported back by the committee on Federal relations,

Was taken up, and

On motion of Mr. Bramble,

Indefinitely postponed.

Council Bill No. 52, entitled an act fixing the compensation of printers for publishing all legal notices required by law,

Was taken up, and

On motion of Mr. Bramble,

Indefinitely postponed.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
Friday, January 10, 1873. }

MR. PRESIDENT:—I am instructed to inform you that the House did on this day, pass Council Bills, as follows:

Council Bill No. 5, a bill for an act to repeal sections 6, 7 and 8, of chapter 5, of the session laws of 1866-67, approved January 11th, 1867, with attached amendments;

No. 76, an act relative to the re-locating of county seats;

No. 80, a bill authorizing the Territorial Treasurer to collect the Territorial tax on certain railroads under certain circumstances; and

No. 82, a bill for an act to amend an act entitled an act to establish the courts and define the jurisdiction of justices of the peace, approved January 4th, 1866; which bills are herewith respectfully returned;

Also that the House has this day passed House Bills as follows:

No. 90, an act to amend Section 233 of an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, passed at the seventh session, relating to docketing judgments of justices of the peace in the district court, and the lien created thereby;

No. 91, a bill for an act entitled an act to provide for appeals from courts of justices of the peace;

No. 93, a memorial to Congress, praying for the right of way, &c., for the Sioux City, Richland & Northern Pacific Railroad Company;

No. 94, a memorial asking for a grant of land to the Eden, Canton, Sioux Falls & Kampeska Railroad Company; which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

Also that the House did, on the 9th inst., refuse to pass Council Bill No. 70, an act to create the 8th and 9th Council and Representative Districts, and apportion the Councilmen and Representatives therein.

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said Council Bills Nos. 76, 80 and 82 be enrolled.

House File No. 75, entitled a memorial to Congress, asking aid for the Dakota, Pacific & Missouri River Railroad Company, reported back by the committee on railroads,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens and Mr. President.

Mr. Flick voted in the negative.

Messrs. Bramble and Stutsman not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 72, entitled a memorial to Congress, asking for the right of way for the Dakota, Black Hills & Eden Railroad Company, reported back by the committee on railroads, with amendment,

Was taken up, and

On motion of Mr. Bramble,

The report of the committee was adopted.

Accordingly the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes 1, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

Mr. Flick voted in the negative.

So the bill was passed.

The question then being on agreeing to its title, and it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in said amendment.

House File No. 67, entitled a memorial to the Congress of the United States, praying for a grant of land to enable the Dakota Southern Railroad Company to continue its line of railroad from Yankton via White river, &c., to connect with the Northern Pacific Railroad, in the valley of the Yellowstone, reported back by the committee on railroads,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put "shall the bill pass,"

It was decided in the affirmative.

Ayes 9; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Crew, Gehon, Mason, McIntyre, Miner, Smith, Stevens and Mr. President.

Those voting in the negative, were

Messrs. Flick, Lawrence and Stutsman.

Mr. Bramble not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

Mr. Bramble in the chair.

COMMUNICATIONS FROM THE HOUSE.

The following communications were received from the House:

HOUSE OF REPRESENTATIVES, }
Yankton, Jan. 10, 1873. }

MR. PRESIDENT:—I am directed to inform you that the House has this day passed Council Bill No. 83, a memorial to Congress, praying that Yankton be made a port of entry, and that a marine hospital be erected at said city of Yankton, which bill is herewith returned.

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said bill be enrolled.

HOUSE OF REPRESENTATIVES, }
Yankton, Jan. 10, 1873. }

MR. PRESIDENT:—I am directed to inform you that the House has this day concurred in Council amendments to House File No. 85,—a bill for an act to amend sections 30 and 51 of an act concerning revenue, approved Jan. 12, 1869.

C. F. MALLAHAN,
Chief Clerk.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 76, an act relative to the removal of county seats, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bills No. 80 and 82, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills did on this day, at 3 o'clock P. M., hand to his excellency, the Governor, for his action thereon, Council Bill No. 76.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrollment have examined House Bill No. 34, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrollment did this day, at 3½ o'clock, hand his excellency, the Governor, for approval, Council Bills No. 80 and 82.

E. STUTSMAN,
Chairman.

Council Bill No. 5, entitled a bill for an act to repeal sections 6, 7 and 8, of chapter 5, of the session laws of 1866-67,

approved January 11th, 1867, and for other purposes, returned from the House amended,

Was, by consent, taken up, and
On motion of Mr. Hughes,
The amendment was concurred in.

Ordered, That the House be acquainted therewith, and that said bill be enrolled.

House File No. 58, entitled a bill for an act to authorize the Dakota Southern Railroad to make and construct side tracks and switches to the Missouri river, reported back by the committee on railroads,

Was taken up, and
Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the negative.

Ayes 2; noes 11, as follows:

Those voting in the affirmative, were
Messrs. Flick and Lawrence.

Those voting in the negative, were
Messrs. Bramble, Cooley, Crew, Gehon, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

So the bill was not passed.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
Yankton, Jan. 10, 1873. }

MR. PRESIDENT:—I am directed to inform you that the House has this day passed House File No. 95, a bill for an act to divide the 6th Council and Representative District, and create two new Council and Representative Districts out of the same; and

House File No. 96, a memorial to the Congress of the United States, praying for a grant of land to aid in the construction of the Dakota & Northwestern Railroad, which bills are herewith transmitted and the concurrence of the Council respectfully requested therein.

Also that the House has this day passed Council Bill No. 79, a memorial to Congress praying for an appropriation to

erect a Capitol Building in Dakota Territory, which bill is herewith respectfully returned;

Also that the House has this day indefinitely postponed Council Bill No. 78, a bill for an act authorizing the commissioner of immigration to advertise the Territory of Dakota.

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said Council Bill No. 79 be enrolled

By consent, House File No. 96, entitled a memorial to the Congress of the United States, praying for a grant of land to aid in the construction of the Dakota & Northwestern Railroad,

Was taken up, and

Read a first and second times, and

On motion of Mr. Miner,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative,

Ayes 13; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stevens, Stutsman and Mr. President.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

Mr. President in the chair.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have

to report that they have examined Council Bill No. 79, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills did on this day, hand to his excellency, the Governor, Council Bill No. 79, for his action thereon.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 83, and have found the same correctly enrolled; and that on this day at 3½ o'clock, they did hand to his excellency, the Governor, for approval, said bill.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bill No. 69, 75 and 86, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bills No. 72 and 75, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

COMMUNICATION FROM THE HON. SECRETARY OF THE TERRITORY.

The following communication was received from the Hon. Secretary of the Territory:

SECRETARY'S OFFICE,
Yankton, D. T., Jan. 10, 1873. }

To the Hon. President of the Council:

SIR:—I have the honor to inform you that I have this day received the following dispatch from the Quartermaster General, in response to your memorial asking that Yankton be made one of the starting points for the transportation of freights and military supplies on the Missouri river.

Very Respectfully,
EDWIN S. MCCOOK,
Secretary.

(DISPATCH—*copy.*)

Dated, WASHINGTON, D. C., Jan. 10, 1873.

To Hon. E. S. McCook, Yankton :

The following telegram was sent to Col. Rucker, Ass't Q. M. Gen'l, Chicago, yesterday:

"Yankton applies to be made a shipping point for stores up the Missouri river. See that she has an equal chance."

(Signed)

M. C. MEIGS,

Q. M. Gen'l.

Council Bill No. 57, entitled a bill to enable counties, towns, cities and townships to vote aid to any railroad, and to provide for the payment of the same, reported back by the special committee,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the negative.

Ayes 3; noes 9, as follows:

Those voting in the affirmative, were

Messrs. McIntyre, Miner and Smith.

Those voting in the negative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, Stutsman and Mr. President.

Mr. Stevens not voting.

So the bill was not passed.

House File No. 14, entitled a bill for an act to establish a Territorial road from the city of Yankton, by way of Scotland, Bon Homme county, and Milltown, in Hutchinson county, to Rockport, in Hanson county, reported back by special committee,

Was taken up and

On motion of Mr. Cooley,

Indefinitely postponed.

Ordered, That the Secretary acquaint the House therewith.

House File No. 15, (substitute) entitled a bill for an act to amend an act entitled an act to establish a public school law for the Territory of Dakota, reported back by the committee on education,

Was taken up, and

On motion of Mr. Gehon,
Indefinitely postponed.

Ordered, That the Secretary acquaint the House therewith.

Council Bill No. 21, entitled a bill for an act to amend an act entitled an act to establish a public school law, for the Territory of Dakota, reported back by the committee on education,

Was taken up, and

On motion of Mr. Bramble,
Indefinitely postponed.

House File No. 87, entitled a bill for an act entitled an act to define the 5th Council and Representative District, reported back by special committee, with an amendment,

Was taken up, and

On motion of Mr. Bramble,

The report of the committee was adopted.

Accordingly the bill was

Read a third time.

The question then being on its passage, and it being put,
"shall the bill pass,"

It was decided in the affirmative.

Ayes 7; noes 3, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Miner and Mr. President.

Those voting in the negative, were

Messrs. Mason, McIntyre and Smith.

Messrs. Lawrence, Stevens and Stutsman not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence in said amendment.

Mr. Crew in the chair.

Council Bill No. 51, entitled a bill for an act to define the duties of road supervisors, and to regulate the opening of roads, construction of bridges, and for other purposes, reported back by the committee on judiciary,

Was taken up, and
On motion of Mr. Hughes,
Indefinitely postponed.

Council Bill No. 77, entitled a memorial to Congress, for a codification of the laws of Dakota Territory, reported back by the committee on judiciary,

Was taken up, and
Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 12; noes none, as follows:

Those voting in the affirmative, were
Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stutsman and Mr. President.

None voting in the negative.

Mr. Stevens not voting.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith, and request concurrence therein.

Mr. President in the chair.

House File No. 80, entitled a bill defining the duties of county treasurers for the Territory of Dakota, reported back by the committee on judiciary,

Was taken up, and

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the negative.

Ayes 3; noes 9, as follows:

Those voting in the affirmative, were

Messrs. Cooley, Smith and Mr. President.

Those voting in the negative, were

Messrs. Bramble, Crew, Flick, Gehon, Lawrence, Mason, McIntyre, Miner and Stutsman.

Mr. Stevens not voting.

So the bill was not passed.

Ordered, That the Secretary acquaint the House therewith.

COMMUNICATION FROM THE GOVERNOR.

The following communication was received from his excellency, the Governor:

EXECUTIVE OFFICE,
Yankton, D. T., Jan. 10, 1873. }

HON. ALEX. HUGHES,

President of the Council,

SIR:—I have the honor to inform you that I have this day approved the following named bills, originating in your branch of the Legislative Assembly:

Council Bill No. 79, a memorial to Congress, praying for an appropriation to erect a Capitol Building in Dakota Territory;

Council Bill No. 80, an act authorizing the Territorial Treasurer to collect the Territorial tax on certain railroads under certain circumstances;

Council Bill No. 82, an act to amend an act entitled an act to establish the courts and define the jurisdiction of justices of the peace, approved January 4, A. D. 1866;

Council Bill No. 83, a memorial to Congress, praying that Yankton be made a port of entry and a marine hospital be located at said place;

Council Bill No. 71, an act to increase the salary of the Treasurer and Auditor of the Territory of Dakota;

Council Bill No. 65, a joint resolution, asking for an appropriation for the Auditor and Treasurer of Dakota Territory.

Very Respectfully,

Your Ob't Serv't,

JOHN A. BURBANK,

Governor.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
Yankton, Jan. 10, 1873. }

MR. PRESIDENT:—I am instructed to inform you that the

House has this day passed Council Bill No. 81, a bill authorizing the trial of all causes in the county of Yankton before the United States juries, which bill is herewith respectfully returned.

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said bill be enrolled.

RECESS.

At 5 o'clock P. M., Mr. Bramble moved that the Council do now take recess until 7 o'clock P. M.

Which motion was agreed to.

AFTER RECESS.

Council called to order at the hour designated by Mr. President in the chair.

FIRST READING OF HOUSE FILES (received this day).

House File No. 95, entitled a bill for an act to divide the 6th Council and Representative District, and to create two new Council and Representative Districts out of the same,

Was taken up, and

Read a first and second times, and

On motion of Mr. Gehon,

The rules were suspended; and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass,"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Gehon, Lawrence, Mason, McIntyre, Miner, Smith, Stutsman and Mr. President.

Messrs. Flick and Stevens not voting.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 93, entitled a memorial to Congress, praying for the right of way, &c., for the Sioux City, Richland & Northern Pacific Railroad Company,

Was taken up, and

Read a first and second times, and

On motion of Mr. Bramble,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, Miner, Smith, Stutsman and Mr. President.

Messrs. McIntyre and Stevens not voting.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 94, entitled a memorial, asking for a grant of land to the Eden, Canton, Sioux Falls & Kampeska Railroad Company,

Was taken up, and

Read a first and second times, and

On motion of Mr. Bramble,

The rules were suspended, and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put, "shall the bill pass?"

It was decided in the affirmative.

Ayes 11; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Gehon, Lawrence, Mason, Miner, Smith, Stutsman and Mr. President.

Messrs. McIntyre and Stevens not voting.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

House File No. 90, entitled a bill for an act to amend section 233 of an act to simplify and abridge the practice, pleadings and proceedings of the courts of this Territory, passed at the seventh session, relating to the docketing judgments of justices of the peace in the district court, and the lien created thereby,

Was taken up, and

Read a first and second times, and

On motion of Mr. Stutsman,

The rules were suspended and under the operation thereof, the bill was

Read a third time.

The question then being on its passage, and it being put "shall the bill pass,"

It was decided in the affirmative.

Ayes 10; noes none, as follows:

Those voting in the affirmative, were

Messrs. Bramble, Cooley, Crew, Flick, Lawrence, Mason, Miner, Smith, Stutsman and Mr. President.

Messrs. Gehon, McIntyre and Stevens not voting.

None voting in the negative.

So the bill was passed.

The question then being on agreeing to its title,

And it being put,

The title was agreed to.

Ordered, That the Secretary acquaint the House therewith.

COMMUNICATION FROM THE HOUSE.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES, }
Friday, January 10, 1873. }

MR. PRESIDENT:—I am instructed to inform you that the House did on this day pass C. B. No. 77, A memorial to Congress relative to a codification of the Laws of Dakota Territory, which bill is herewith returned; also

That the House did on the same day concur in Council amendments to House bills 87 and 95.

C. F. MALLAHAN,
Chief Clerk.

Ordered, That said Council bill No. 77 be enrolled.

REPORT OF COMMITTEES.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 5, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrollment did this day, at 4 $\frac{3}{4}$ o'clock, P. M. hand his excellency, the Governor, for approval, Council Bill No. 5.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 81, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills did on this day, at 7 o'clock P. M., hand to his excellency, the Governor, for his approval, Council Bill No. 81.

E. STUTSMAN,
Chairman.

Mr. Gehon, by consent, submitted the following resolution, which was read, considered and agreed to:

Resolved, That a committee of three be appointed by the Chair to act with a like committee on the part of the House whose duty it shall be to wait upon His Excellency, the Governor, and to enquire whether he has any further communications to make to either of the two Houses.

Messrs. Gehon, Miner and Mason were appointed such committee.

Ordered, That the Secretary acquaint the House therewith.

REPORTS OF COMMITTEES.

Mr. Stutsman, from the committee on enrolled bills, submitted the following reports:

MR. PRESIDENT:—Your committee on enrolled bills have examined Council Bill No. 77, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bill No. 87, 95 and 67, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills have examined House Bills No. 90, 93 and 94, and have found the same correctly enrolled.

E. STUTSMAN,
Chairman.

MR. PRESIDENT:—Your committee on enrolled bills did on this day, at 7 o'clock and thirty minutes P. M., hand to his excellency, the Governor, for his action thereon, Council Bill No. 77.

E. STUTSMAN,
Chairman.

House File No. 91, A Bill for an act entitled an act to provide for appeals from courts of justices of the peace,

Was taken up.

Read a first and second times;

Whereupon Mr. Bramble moved that the rules be suspended so as to allow the said bill to be read a third time, pending which

The following communication was received from his excellency, the Governor:

EXECUTIVE OFFICE, YANKTON,)
DAKOTA TERRITORY, Jan. 10, 1873. }

HON. ALEX. HUGHES,

President of the Council,

SIR:—I have the honor to inform you that I have this day approved and filed in the office of the Secretary the following bills, originating in the Council:

Council Bill No. 81, An act authorizing the trial of all causes in the counties of Yankton, Clay and Pembina before the United States juries.

C. B. No. 77, A memorial to Congress relative to the codification of the laws of Dakota.

Very Respectfully, &c.,

JOHN A. BURBANK,

Governor.

The question then being on the motion of Mr. Bramble to suspend the rules and it being put,

It was agreed to and

Pending the third reading of said bill, the following communication was received from the House:

COMMUNICATION FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,)

Friday, Jan. 10, 1873. }

MR. PRESIDENT:—I am instructed to inform you that the House did this day pass House Bill No. 97, A bill to punish felonies arising within Charles Mix and Buffalo counties, which bill is herewith transmitted and the concurrence of the Council requested therein.

C. F. MALLAHAN,

Chief Clerk.

ADJOURNMENT.

At 8 o'clock and fifteen minutes P. M., Mr. Bramble moved that the Council adjourn without date,

Which motion was agreed to.

ALEXANDER HUGHES,

President.

Attest:

GEO. I. FOSTER,

Secretary.

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- No. 1, a joint resolution providing for the election of public printer, 14; passed, 15.
- 2, to amend section one of chapter 23 of laws of 1870-71, read first time, 25; referred, 27; tabled, 32.
- 3, to repeal chapter 3 of the laws of 1870-71, 32; referred, 32; passed, 47.
- 4, to provide for the safe keeping of the law library, 34; referred, 34; passed, 48.

COUNCIL BILLS, INTRODUCTION, FIRST, SECOND AND THIRD READINGS—*Continued.*

- 5, to repeal sections 6, 7 and 8, of chapter 5, of laws of 1866-67, 34; referred, 34; passed, 229.
- 6, relating to conditional sales of personal property, 44; referred, 44; reported, 69; recommitted, 74; passed, 121.
- 7, to authorize the commissioners of Yankton county, to borrow money, 50; referred, 50; passed, 56;
- 8, to incorporate the city of Yankton, 51; referred, 51; passed, 132.
- 9, to amend section 11, chapter 15, approved January 11, 1865, 51; referred, 52; passed, 136.
- 10, to organize a system of township government, 52; recommitted, 88; passed, 153.
- 11, to provide against the evils resulting from the sale of intoxicating liquors, 60; referred, 60; passed, 191.
- 12, regulating payment of promissory notes and bills of exchange, 60; referred, 60; passed, 85.
- 13, relating to the proof and acknowledgment of deeds, &c., 61; referred, 61; passed, 86.
- 14, a memorial asking that Yankton be named as one of the starting points for military transportation, 61, passed, 62.
- 15, exempting the counties of Charles Mix and Buffalo, from the effects of the herd law, 68; referred, 68; passed, 98.
- 16, exempting certain property from sale upon execution or other process, 68; referred 68; lost, 227.
- 17, a memorial for an appropriation to construct bridges over the Big Sioux river, 72; passed, 72.
- 18, defining the boundaries of Pembina county, &c. 78; referred, 78; passed, 86; amended, 135.
- 19, a memorial praying for an appropriation to construct bridges across the Dakota river, 78; referred, 78; passed, 88.
- 20, to submit the question of a herd law to voters of four townships in Union county, 81; referred, 81,

COUNCIL BILLS, INTRODUCTION, FIRST, SECOND AND THIRD
READINGS—*Continued.*

- 21, to amend an act to establish a public school law, 81; referred, 81; indefinitely postponed, 263.
- 22, to codify the practice and pleadings before the courts of this Territory, 81; referred 81; made special order, 109; passed, 133.
- 23, relative to costs in criminal cases before justices of the peace, 81; referred, 81; tabled, 109; lost, 179.
- 24, relative to sureties, 81; referred, 81; passed, 109.
- 25, in relation to estrays, unclaimed property and beasts doing damage, 82; referred, 82; tabled, 165.
- 26, a memorial for an increase of mail service from Yankton to Sioux Falls, 82; referred, 82; passed, 138.
- 27, creating new counties and defining their boundaries, 82; referred, 82; passed, 110.
- 28, repealing a portion of the criminal code and reenacting the justices code, 82; referred, 82; passed, 118.
- 29, to provide for a synoptical index to the laws of Dakota, 93; referred, 93; passed, 110.
- 30, a memorial for settlement of claims of settlers on Fort Randall military reservation, 93; referred, 93; passed, 109.
- 31, to increase the compensation of probate judge and county treasurer, 93; passed, 94.
- 32, to amend chapter 25 of laws of 1868-69, 94; referred, 94; passed, 162.
- 33, to amend chapter 24 of laws of 1868-69, 94; referred, 94; passed, 119.
- 34, to locate a territorial road from Sioux Falls to Fort Thompson, 94; referred, 94; passed, 141.
- 35, to repeal chapter one of criminal procedure passed 1868-69, 94; referred, 95; made special order, 120; passed, 133.
- 36, to amend the election law, 101; referred, 101; passed, 137.

COUNCIL BILLS, INTRODUCTION, FIRST, SECOND AND THIRD READINGS—*Continued.*

- 37, a memorial for increase of mail service from Forts Randall to Sully, 101; referred, 101; passed, 139.
- 38, to secure religious societies in the possession of their property, 102; referred, 102; lost, 136.
- 39, relative to paupers, 102; referred, 102; passed, 137.
- 40, exempting Bon Homme and Hutchinson counties from the herd law, 102; referred, 102; passed, 138.
- 41, to locate a territorial road from Yankton to Chocteau Creek, 102; referred, 102; re-committed, 122; lost, 140.
- 42, a memorial to the Senate and House of Representatives, 102; referred, 102; indefinitely postponed, 254.
- 43, to amend title 11 of an act to simplify and abridge the practice, &c., of the courts of this Territory, 102; referred, 102; lost, 244.
- 44, a memorial to the President of the United States, 103; referred, 103; indefinitely postponed, 228.
- 45, a memorial for an appropriation to construct a military wagon road in the valley of Red river, 103; referred, 103; passed, 123.
- 46, a memorial relative to the removal of the Pembina band of Chippewa Indians, 103; referred, 103; passed, 120.
- 47, a memorial to Congress for an appropriation to remove the obstructions in the Red river, 103; referred, 103; passed, 122.
- 48, requiring county treasurers to deposit public moneys in national or local banks, 114; referred, 114; lost, 152.
- 49, to regulate the location of Territorial offices, 114; referred, 115; lost, 151.
- 50, legalizing acts of commissioners of Buffalo county in leasing a ferry privilege, 115; passed, 115.

COUNCIL BILLS, INTRODUCTION, FIRST, SECOND AND THIRD READINGS—*Continued.*

- 51, to define the duties of road supervisors, 128; referred, 128; indefinitely postponed, 264.
- 52, fixing the compensation of printers for publishing legal notices, 128; referred, 128; indefinitely postponed, 254.
- 53, to amend section two, chapter 17, laws of 1870–71, 128; referred, 128; lost, 208.
- 54, to establish a territorial road from Rockport to State line of Minnesota, 128; referred, 128; passed, 165.
- 55, concerning gambling in Dakota, 128; referred, 128; passed, 181.
- 56, a memorial for increase of mail service from Yankton to Fort Randall, 143; passed, 143.
- 57, to enable organized counties and towns to vote aid to railroads, 156; referred, 156; lost, 262.
- 58, a memorial asking that Yankton be made a point for supplies for the Government, 156; passed, 157.
- 59, joint resolution to council bill No. 1, 172; referred, 172; lost 191.
- 60, relative to a portion of the territorial library, 172; passed, 172.
- 61, relative to the practice, pleadings, &c., in the district court, 173; referred, 173; passed, 218.
- 62, vacating a portion of the levee at Vermillion, 187; passed, 188.
- 63, to define the jurisdiction of the courts of justices of the peace, 188; referred, 188; passed, 219.
- 64, for taking the census for 1874, 188; passed, 188.
- 65, joint resolution for an appropriation for the auditor and treasurer, 189; passed, 189.
- 66, to amend the school law, 189; referred, 189; passed, 217.
- 67, to amend section 47, chapter 4, laws of 1868–69, 189; made special order, 190; passed, 203.
- 68, joint resolution relative to printing, 190; referred, 190; lost, 228.

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- 71, to increase the salary of the treasurer and auditor, 199; passed, 199.
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- 73, a memorial for an appropriation to build a penitentiary, 200; passed, 200.
- 74, a memorial for an additional land office in northern Dakota, 222; passed, 222.
- 75, to incorporate the city of Elk Point, 222; passed, 223.
- 76, relative to relocating county seats, 223; passed, 223.
- 77, a memorial for codifying the laws of Dakota, 224; referred, 224; passed, 264.
- 78, authorizing the commissioner of immigration to advertise the Territory, 224; passed, 224.
- 79, a memorial to Congress, for an appropriation to erect a capitol building, 224; passed, 224.
- 80, authorizing the territorial treasurer to collect tax from railroads, 225; passed, 225.
- 81, authorizing the trial of all causes in Yankton county, before the U. S. grand juries, 226; referred, 226; passed, 253.
- 82, to amend an act to define the jurisdiction of justices of the peace, 242; passed, 242.
- 83, a memorial to Congress, asking that Yankton be made a port of entry, 242; passed, 243.

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submitted amendment, 163.

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HARLAN, G. W.

took oath of office, 6.

motions by, 7.

submitted reports, 40.

appointed on committees, 12.

unseated, 41.

HOWARD, A. W.

appointed private secretary, 99.

HOUSE FILES, FIRST, SECOND AND THIRD READING.

No. 4, to amend section one of chapter 33, laws of 1870-71, 65; referred, 65; recommitted, 87, 112; lost, 124.

5, to amend section 47, chapter 4, laws of 1868-69, 90; referred, 90; passed, 163; indefinitely postponed, 203.

6, a memorial for a mail route from Elk Point to Turner, 66; referred, 66; passed, 75.

7, reorganizing the bureau of immigration, 135; referred, 136; passed, 202.

8, to lay out a territorial road from Sioux Falls to Yankton, 65; referred, 65; passed, 74.

9, a memorial for aid in the cause of education, 56; referred, 56; passed, 74.

10, a memorial relating to the Vermillion Valley & N. P. R. R., 65; referred, 65; passed, 75.

11, joint resolution for the appointment of a clerk, 56; referred, 56; passed, 64.

12, granting power to commissioners of Union county, relating to road district, 64; referred, 65; passed, 113.

13, to amend chapter one of special laws of 1870-71, 65; referred, 65; passed, 86.

14, to establish a territorial road from Yankton to Rockport, 65; referred, 65; indefinitely postponed, 262.

15, to amend the public school law, 193; referred, 193; indefinitely postponed, 263.

17, a memorial for an appropriation to bridge the Big Sioux river, 70; passed, 70.

18, a memorial to construct a wagon road from Yankton to Rockport, 79; referred, 79; passed, 87.

19, to locate a road from Canton to Maxwell City, 90; referred, 90; tabled, 112; passed, 131.

20, providing for a term of court in Turner county, 90; referred, 90; passed, 155.

HOUSE FILES, FIRST, SECOND AND THIRD READING.—*Continued.*

- 21, a memorial for a geological survey, 79; referred, 79; re-committed, 99; passed, 123.
- 23, to locate a road from Canton to Bloomingdale, 90; referred, 90; tabled, 112; passed, 132.
- 24, to prohibit the sale of liquor on election days, 149; referred, 149; passed, 210; reconsidered and passed, 227.
- 26, a memorial for a grant of land for the Grand Trunk Railway, 70; referred, 70; passed, 152.
- 28, to locate a road from Yankton to Breckenridge, 97; referred, 97; passed, 111.
- 29, to amend section one, chapter 23, laws of 1870-71, 90; referred, 90; re-committed, 120; passed, 164.
- 30, in relative to judgments and foreclosure of mortgages, 91; referred, 91; lost, 151.
- 31, legalizing the assessment of Minnehaha county, for 1872, 91; referred, 91; re-committed, 120; passed, 140.
- 32, to appoint deputy surveyors, 97; referred, 97; passed, 121.
- 33, to encourage the growth of timber along section line roads, 148; referred, 148; passed, 210.
- 34, to repeal an act to establish a code of civil procedure, &c., 177; referred, 178; passed, 218.
- 35, to establish the boundaries of certain counties, 135; referred, 135; made special order, 164; passed, 179.
- 36, to locate a territorial road from Yankton to Rockport, 148; referred, 148; passed, 166.
- 37, to provide for a revision of laws, 148; referred, 148, lost, 181.
- 38, to change Slip-Up Valley to Scott Valley, 97; referred, 97; passed, 119.
- 40, to establish a road in Pembina county, 108; referred, 108; passed, 122.
- 41, to legalize acts of commissioners of Bon Homme and Hutchinson counties, 108; referred, 108; lost, 163.

HOUSE FILES, FIRST, SECOND AND THIRD READING.—*Continued.*

- 42, to protect game, 193; referred, 193; indefinitely postponed, 254.
- 43, a memorial for a division of the Territory, 97; passed, 98.
- 44, a memorial for a land office in the Big Sioux Valley, 148; referred, 148; passed, 226.
- 45, relating to dower, 148; referred, 149; passed, 208.
- 46, a memorial for mail service from Yankton to the Northern Pacific Railroad, 108; referred, 108; passed, 139.
- 47, a memorial for a wagon road from Rockport to Jamestown, 150; referred, 151; passed, 211.
- 48, to lay out a road from Springfield to Firesteel, 149; referred, 150; passed, 211.
- 49, to create three commissioner districts in Bon Homme county, 212; passed, 212.
- 50, a memorial asking that the land west of the Missouri be opened to settlement, 150; passed, 150.
- 51, to punish adultery, 150; referred, 150; passed, 166.
- 52, to pay officers and members of extra session, April 18, 1871, 194; passed, 194.
- 53, to organize certain counties in the Territory of Dakota, 136; referred, 136; made special order, 164; passed, 180.
- 54, to locate a road from Richland county to Ransom county, 193; passed, 194.
- 55, a memorial for increase of mail service from Sioux Falls to Medary, 178; passed, 178.
- 56, to amend chapter 3 of title 4 of civil code, 150; referred, 150; passed, 209.
- 58, to authorize the Dakota Southern Railroad to construct side tracks, 205; referred, 206; lost, 259.
- 59, a memorial for mail service from Medary to Marshfield, Minn., 149; passed, 149.

HOUSE FILES, FIRST, SECOND AND THIRD READING.—*Continued.*

- 61, a memorial to the P. M. General, 195; passed, 195.
- 62, a memorial for a mail route from Yankton to Frenchtown, Nebraska, 206; passed, 206.
- 63, to organize the county of Burleigh, 205; passed, 205.
- 64, defining boundaries and naming counties west of the Missouri river, 178; passed, 179.
- 65, a memorial to Congress for legislation beneficial to holders of pre-emptions, 204; passed, 205.
- 66, a memorial for increased mail service from Sioux City to Sioux Falls, 203; passed, 203.
- 67, a memorial for a grant of land to Dakota Southern Railroad Company, 206; referred, 206; passed, 257.
- 68, joint resolution for payment of clerks, 192; passed, 207.
- 69, to prevent accidents at railroad crossings, 193; referred, 193; passed, 251.
- 70, a memorial for a grant of land to the Dakota Central Railroad, 201; passed, 201.
- 71, a memorial for a mail route from Mineral Springs to Niobrara, 204; passed, 204.
- 72, a memorial for right of way to the Dakota, Black Hills & Eden Railway, 232; referred, 232; passed, 256.
- 74, a memorial for the right of way to the Dakota, Pacific & Missouri River R. R. Company, 207; passed, 207.
- 75, a memorial asking aid for the Dakota, Pacific & Missouri River R. R. Company, 206; referred, 207; passed, 256.
- 77, supplemental to a bill to establish the boundaries of certain counties, 232; passed, 232.
- 78, to amend chapter 6 of laws of 1868-69, 233; passed, 233.
- 79, to amend section 5 of chapter 6 of laws of 1868-69, 233; passed, 233.

HOUSE FILES, FIRST, SECOND AND THIRD READING. —*Continued.*

- 80, defining the duties of county treasurers, 234; referred, 234; lost, 264.
- 82, a memorial for a mail route from Fort Sully to Fort McKean, 234; passed, 234.
- 83, authorizing the Yankton County Agricultural Society to issue bonds to purchase a fair ground, 235; passed, 235.
- 85, to amend sections 30 and 51 of an act concerning revenue, 235; referred, 235; passed, 252.
- 86, a memorial for an appropriation to codify the laws of Dakota, 232; referred, 232; passed, 252.
- 87, to define the fifth council and representative district, 232; referred, 232; passed, 263.
- 88, to attach certain counties to Bon Homme for judicial purposes, 243; referred, 243; indefinitely postponed; 254.
- 89, to apportion the representation to which the 7th council and representative district is now entitled to the 6th district, 243.
- 90, to amend section 233 of an act to simplify and abridge the practice, pleadings, &c., of the courts, 268; passed, 268.
- 93, a memorial for right of way to the Sioux City, Richland & N. P. R. R. Co., 267; passed, 267.
- 94, a memorial for a grant of land to the Eden, Canton, Sioux Falls & Kampeska R. R. Co., 267; passed, 267.
- 95, to divide the 6th council district, and to create two new districts, 266; passed, 266.
- 96, a memorial for a grant of land to the Dakota & Northwestern Railroad Company, 260; passed, 260.

HUGHES, ALEXANDER

- took oath of office, 6.
- elected President, 6.
- escorted to chair, 6.
- took oath of office, 6.

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introduced bills, 32, 34, 44, 68, 102.
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presented resolutions, 19, 29, 59, 185.
gave notice of bills, 101.
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appointed on committees, 9, 12, 65, 198, 241.
presented amendment, 25.
gave notice of contest, McKay vs. Flick, 27.
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MASON, JOSEPH

took oath of office, 6.
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submitted reports, 84, 105, 159, 190, 215, 248, 249.
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McINTYRE, C. H.

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McKAY, W. T.

took oath of office, 6.
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MEMBERS, List of, 5.**MINER, NELSON**

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nominated for president, 6.
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235, 242, 252, 253, 260.
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115, 116, 118, 129, 131, 144, 145, 155, 158, 174, 175,
176, 190, 212, 213, 214, 226, 245, 246, 251.
presented resolutions, 58, 67, 143.
gave notice of bills, 20.
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188, 224, 242.
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elected president *pro tem*, 76, 77.
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MOSTOW, RANDOLPH

elected enrolling clerk, 7.
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REA, GEO. T.

called roll of members, 5.

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REED, THOMAS

elected sergeant-at-arms, 7.

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to inform the Governor of organization, 11.

requesting Secretary to furnish laws and journals, 16.

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relative to a communication from the Secretary, 38.

relative to contest. Gehon vs. Harlan, 38.

relative to contest, McKay vs. Flick, 39, 42.

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adopting joint rules, 50.

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67.

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requesting commissioner of immigration to furnish a
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SIMONSON, KNUD

elected messenger, 8.
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SINGISER, T. F.

nominated for secretary, 6.

SMITH, HENRY

took oath of office, 6.
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appointed on committees, 88, 99, 112, 156.

STEVENS, O. F.

took oath of office, 6.
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STUTSMAN, ENOS

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TURNER, J. W.

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VALENTINE, C. B.

nominated for assistant secretary, 28.

WALTERS, J. P.

nominated for enrolling clerk, 7.

elected assistant secretary, 28.

took oath of office, 29.

excused for non-attendance, 72.

WALKER, J. T.

elected chaplain, 9.